

**CITY OF FREDERICKSBURG ADMINISTRATIVE POLICIES  
SECTION 3- : HUMAN RESOURCES**



**1. General Policies**

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**1. General Policies**

**1.1. City Manager Authority to Make and Promulgate Rules.**

Article IV, Division 1, Section 2-141 (c) of the Code of the City of Fredericksburg states: *"The City Manager shall have the management and control over all departments of the city government other than the school board, the health department and the department of social services. Concerning such management and control, the City Manager may make and promulgate rules and regulations for the government of all officers, employees, offices, and departments under his control and enforce compliance with such rules and regulations."* The City Manager herewith exercises the authority to promulgate rules and regulations, and his/her signature on the authorization page to this manual authorizes the following as the City's Human Resources Policies and Procedures.

**1.2. Purpose.**

The City of Fredericksburg Human Resources Policy Manual is the primary statement of policies relating to the employment of its workforce. Its purpose is to guide employees and supervisors alike as to the organization's overall preferences for, and opinions of, the different situations presented herein. This manual is the primary source for policy answers; however, departments are encouraged to develop operating policies and procedures for matters indigenous to them, as long as they are complementary to the matters contained herein. Procedures supporting and linked to City policies shall be adaptive and dynamic, and shall be the responsibility of the Director of Human Resources, with the guidance of the City Manager and City Attorney, for maintenance and timeliness.

This manual supersedes any prior edition of the policies governing the human resource for the City of Fredericksburg under any other appellation, regardless of communication methodology.

**1.3. Difference between Policies and Procedures**

Policy statements are interpreted as the City's belief and/or intent regarding the various subject matters contained herein. Procedures are dynamic methodologies by which the City's intentions are accomplished.

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In the event of a conflict between these policies and a specific department's operational policies, the more restrictive of the two will control, as long as said policy has been given the prior approval of the City Manager, and are also in compliance with federal and state laws. Procedures are cross referenced to Policies contained herein, but follow on green paper.

Policies contained herein are in compliance with existing federal and state laws governing employment, benefits and privacy considerations. As these laws and regulations are updated, any necessary amendments to actual policy statements will be initiated by the Director of Human Resources and submitted to the City Manager for approval. Changes to laws, ordinances and/or regulations only affecting procedures will be handled administratively within the Human Resources Department and published to the organization.

#### **1.4. Not an Employment Contract**

Under no circumstances should any of the material contained in the Human Resources Policies Manual be considered a contract, or part of a contractual agreement between the City of Fredericksburg and any of its employees. The Grievance Procedures and the Sexual Harassment Complaint procedures are the exclusive means by which employee complaints are to be formally and finally resolved. Nothing contained in this manual is to be construed as a substitute for constructive communication between employee and supervisor.

#### **1.5. Scope**

This policy manual applies to all employees of the City of Fredericksburg, subject to the following limitations:

- 1.5.1. The City Manager, City Attorney and Clerk to the City Council are employed and supervised solely by the City Council. The terms and conditions of their employment are determined by written or unwritten contractual agreements negotiated between themselves and City Council, except as otherwise required by law. Unless otherwise expressed by law or agreement with City Council, these individuals will be guided by the policies contained herein.

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- 1.5.2. Employees of Constitutional Officers are hired and supervised solely by the respective constitutional officer, but shall be entitled to such employment benefits, grievance procedures, etc., as provided by law or this policy manual and its accompanying procedures. If they have personally elected to be subject to it in exchange for supplemental salary benefits through the City, the Constitutional Officers themselves will be guided by these policies with respect to their employees and their personal conduct..
- 1.5.3. Other limitations or requirements may exist within specific policy provisions, and will be discussed therein.

**1.6. City Manager as Appointing Authority**

As stated in Section 24 of the City Charter, the City Manager, or his/her designee, has the authority to appoint all employees and officers in the administrative services of the City and that all such appointments shall be without definite term, unless for temporary, seasonal or PRN employees. Temporary employees are generally limited to six consecutive month duration. Please see section 1.7, Definitions for more detail.

"The city manager shall be responsible to the Council for the proper administration of all affairs of the city placed in his charge, and to that end, except as otherwise provided herein, he shall have the power to appoint all officers and employees in the administrative services of the city; but the manager may authorize the head of a department or officer responsible to him to appoint and remove subordinates in such department or office. Appointments made by, or under the authority of, the city manager shall be on the basis of executive and administrative ability, and of training and experience of such appointees in the work which they are to perform. All such appointments shall be without definite term, unless for temporary service not to exceed six months." (City Charter, Chapter IV, Section 24, paragraph A)

**1.7. Responsibility of Human Resources Director with Respect to Manual**

The Director of Human Resources is responsible for custody and distribution of copies of this Policies Manual, as well as supporting

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procedural documents and/or manuals. Each Department Head will be given a hard copy of this manual. Additional copies of the policies and accompanying procedures will be maintained on a shared computer drive that is accessible to all employees, as well as on the City's intranet site. Employees may download sections of the policies and accompanying procedures as desired, or download the entire manual for printing.

The Director of Human Resources is responsible for publishing a handbook of policies and certain procedures, such as grievance and sexual harassment complaint procedures, in a portable format for distribution to existing employees, and also for newly hired employees at new hire orientation.

The Director of Human Resources is responsible for the preparation of all policies for inclusion herein, as well as accompanying procedures; however, supervisors and department heads are encouraged to recommend policy and/or procedural additions, deletions or amendments. These will be evaluated and presented as appropriate to the City Attorney, the Assistant City Manager and the City Manager for review and consideration.

The City Manager must authorize any additions, deletions, or amendments to the Human Resources Policy Manual prior to its being distributed by the Director of Human Resources. Department Heads and other Supervisors will be advised of any such additions, deletions or alterations, as well as their impact on any procedures that might be linked to them.

The Director of Human Resources is responsible for providing interpretation of the policies contained herein. Any questions concerning same should be directed to this individual.

**1.8. Non Gender-Specific Language.**

The use herein of one or the other gender in reference to a position is entirely for the convenience of writing and understanding. Use of the masculine or the feminine is not to be construed as an indication of which gender is more appropriately associated with particular positions or types of work.

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**1.9. Definitions**

- 1.9.1. Department Head, Chief, Agency Director or Department Director: This is the individual responsible for the overall operation of a City Department or agency who reports to the City Manager (either directly or indirectly through the Assistant City Manager) or to a City Board or Commission.
- 1.9.2. Immediate Supervisor: An employee who has the responsibility for assigning and evaluating the work of other employees including, but not limited to, scheduling work, conducting performance evaluations, recommending disciplinary action, providing training, approving vacation or compensatory leave requests, and recommending hiring or separation of employees under charge.
- 1.9.3. Immediate Family: For purposes of this policy manual, immediate family refers to the spouse, parent, child, parent-in-law, child-in-law, step-parent, step-child, sibling or sibling-in-law, or any person who stood *in loco parentis* for the employee.
- 1.9.4. Significant Personal Relationship: For purposes of this manual, this refers to parent, child, spouse, sibling, in-laws, step-children, anyone residing in the household, co-habiting sexual partner, or anyone else whom the employee dates, or with whom the employee has an amorous relationship. The terms "co-habiting", "dates" and "amorous" fall within this prohibition no matter how brief in time the relationship exists.
- 1.9.5. Constitutional Officers and their Subordinates: One whose position is delineated in the Virginia Constitution and who is paid by the Commonwealth of Virginia, and who may be subsidized in part by the City of Fredericksburg. By option, may work under the Human Resources policies of either the Commonwealth or the City. A written agreement specifying the chosen option shall be provided to the City Manager by the Constitutional Officer. Benefits generally apply consistently with regular City employees. Constitutional Officers are so named in the Virginia Constitution, and are elected officials. They are: Clerk of

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the Circuit Court, Commissioner of the Revenue, Commonwealth's Attorney, the Sheriff and the Treasurer.

- 1.9.6. Regular Employee: This term replaces the term "Permanent" when describing an employee or a position. No employee of the City of Fredericksburg is to be considered a "permanent" employee. Those who work a regular schedule, either full time or part time, and receive pay from the City General Fund and City Utility Funds (Internal Service Funds) and who are employed by the City Council, City Manager or Constitutional Officers. Full time employees generally work at least a thirty-seven and one half (37.5) hour work week; part time employees are regularly scheduled to work less than the thirty-seven and one-half (37.5) hour work week, and generally work thirty (30) hours or less on a regular basis.
- 1.9.6.5 Part-time employees hired after January 1, 2013 are regularly scheduled to work an average of less than twenty-eight hours per work week.
- 1.9.7. Temporary or Seasonal Employees: This is an employee who is hired to work either full time or part time, but for a specified period of time, not to exceed six (6) consecutive months and work no more than 1500 hours. Exception: Seasonal employees for Parks and Recreation's Park Maintenance and Gardening divisions have a season defined as April 1 through October 31, to more nearly coincide with the primary growing season.
- 1.9.8. Per Requested Need, or "PRN", Employees: These are part time employees that are hired to work occasionally, but do not have a regular schedule. They may be carried on payroll in excess of the six (6) months delineated as temporary, seasonal, but may not be in a non-paid status for more than three consecutive months without being removed from payroll, and must not be in a paid status for more than six (6) consecutive months in a given twelve (12) month period, said twelve month periods coinciding with fiscal years.

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- 1.9.9. Furloughs: A furlough is a scheduled workday in which employees perform no work and receive no remuneration. Furloughs would be used most frequently in tight economic times, but might have other specifically defined uses. During a furlough, employees may not volunteer to work for no pay, and may not substitute accrued leave.

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*Adopted September 12, 2008*

**2. Employee Relations**

**2.1. Equal Opportunity Employment**

- 2.1.1. The City of Fredericksburg is an Equal Opportunity employer. It is committed to the practice and promotion of non-discrimination, and will make every reasonable effort to attract and retain qualified minorities, women and people with disabilities. This policy covers all City employees and applicants for employment in all aspects of the human resource management, as well as selection processes, without regard to race, color, religion, sex, age, national origin, sexual orientation or disability (except where a *bona fide* occupational qualification has been established).
- 2.1.2. This policy concerns every aspect of the employment relationship from recruitment up to and including disciplinary actions and separations; it includes decisions regarding pay and classification, job assignments, working conditions, training opportunities, benefits and changes in job status.
- 2.1.3. The policy does not permit the lowering of an essential, *bona fide* job requirement, performance standard or qualification, except as mutually agreed to be a reasonable accommodation under the provisions of the Americans with Disabilities Act. The determination of reasonable accommodation will be a procedural determination made with the assistance of the Department Head, the Director of Human Resources, the City Attorney and with the approval of the City Manager or the Assistant City Manager in the absence of the City Manager.
- 2.1.4. Allegations of violations of this policy must be brought to the attention of the Director of Human Resources. No City employee or official will take retaliatory action against persons making such allegations. Any City employee or official who fails to comply with this policy is subject to disciplinary action, up to and including, dismissal as determined by the City Manager.
- 2.1.5. Employees believing themselves to be targets of discrimination or non-compliance with this policy may seek corrective action through the City's grievance policy and accompanying procedures.



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## **2.2. Selection Process**

2.2.1. The Department of Human Resources is responsible for developing and implementing procedures for filling all City employment vacancies, whether newly budgeted or replacements for individuals who have left the employ of the City. Whenever possible, vacancies are filled from within by promoting qualified existing City employees, and the resulting vacancies advertised externally.

2.2.2. It is the policy of the City of Fredericksburg that employment advertising is developed and implemented by the City's Human Resources Department. The standard advertising arrangements include a display ad with listings of positions in the Fredericksburg Free Lance Star, as well as utilizing the City's website and other media such as Channel 21, and will be at the expense of the Department of Human Resources. Any department-requested publications or recruitment methods not included in the standard arrangement as described in this paragraph will be at the expense of the requesting department.

## **2.3. Background Investigations**

Hiring departments will conduct the reference checks involving previous employers and the references provided by the applicant, and will pay for any criminal background checks required by the vacancies therein. Reference check forms may be found in the Forms section immediately following this policy document in this Section of the Manual. Documentation of these investigations and reference checks will be placed in the Personnel files, housed and secured in the Department of Human Resources.

## **2.4. Medical Examinations**

2.4.1. Certain positions require that employees filling them pass a physical examination to determine fitness for duty. These are to be performed once all background investigations have been completed and an offer has been extended which is conditional upon the passing of the physical examination specific to the position being filled. The Human Resources Department will serve as the point of contact for the medical providers. All

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documentation of the results of the medical examinations will be housed and maintained in the Department of Human Resources as required under the Privacy Provisions of the Health Insurance Portability and Accountability Act (hereinafter, "HIPAA"). Fees incurred for these medical examinations will be charged to the departments requesting them.

- 2.4.2. Fitness-for-duty certifications that are required on a regular basis throughout someone's employment are mandatory and paid by the City departments employing those persons. Employees failing to pass these physical examinations will be removed from their positions that required the certifications, placed in light duty positions, if available, until such time as the condition is either resolved, or a determination of permanent disability is received.

**2.5. New Hire Orientation**

Unless otherwise approved by the City Manager, start dates for new hires must be the first work day in each pay cycle for the position being filled. The new employee must meet with the Human Resources staff on a predetermined date, usually the first Monday of the pay period, for an orientation presentation to include a discussion of the City's organization structure, benefits programs and other general topics such as one's rights and responsibilities with respect to Sexual Harassment Prevention and other Diversity issues. Job specific training and orientation is the responsibility of the hiring department. The Human Resources Department is empowered by these policies to determine the content and presentation media utilized in the orientation sessions, and to schedule the timing according to mutually acceptable schedules.

**2.6. Probation**

- 2.6.1. Generally, there are two types of probation: the original, new hire probation, and probation resulting from promotion.

2.6.2. Original, New Hire Probation

- A. With the exception of public safety positions, original, new hire probation is for a six (6) month duration. At the conclusion of the original six (6) month probationary period, the supervisor of the newly hired employee must complete a

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performance evaluation form and take one of three (3) actions:

- i. Move the employee to regular status; or
  - ii. Extend the probationary period for up to an additional six (6) months; or
  - iii. Sever the employment relationship with the employee.
- B. Employees on original probation may apply and be selected for higher level City positions. However, if selected for a higher position, a new original probationary period will begin as of the date of the new appointment.
- C. Probationary employees who are laterally transferred from one position to a similar position will retain credit for the time already successfully served in original probation toward regular status. If the time already served had not been entirely successful prior to the transfer in the estimation of the original department head, a new original probationary period may be assigned by the new department head, but only with the full knowledge and concurrence of the Director of Human Resources and the City Manager.
- D. Except for cases of alleged discrimination along the lines of EEOC recognized protected group status, employees on original probation are not granted access to the grievance procedures. These protected groups are those who are discriminated against on the basis of race, color, religion, sex, age, national origin or disability, except where a *bona fide* occupational qualification has been established.
- E. Annual leave is accrued during original probation, but may not be used until the original six (6) months is completed.
- F. Public Safety employees serve an original probationary period of twelve (12) months. In the case of Law Enforcement Officers, the twelve (12) months begins as of the officer's completion of the required training academy. If the Chief of Police or the Fire Chief determines that performance is unsatisfactory, or other factors beyond the employee's control prohibit the full and accurate assessment

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of the employee's performance during that twelve (12) month period, an additional probationary period of up to twelve (12) months may be assigned. All other provisions mentioned above in paragraphs 2.6.2 B through E apply.

**2.6.3. Probation Due to Promotion**

- A. When an individual is promoted to a position of higher grade, a new probationary period of six (6) months is assigned.
- B. Assuming the individual being promoted had already completed a successful original probation period, and had achieved regular status, the rights and privileges accorded to regular employees are not forfeited during the promotion related probationary period.
- C. At the conclusion of the six (6) months' probationary period the promoted employee's supervisor evaluates his/her new employee through a performance appraisal. If the supervisor determines as a result of this appraisal the promoted employee's performance is unsatisfactory, and after consultation with the Director of Human Resources, the prior department head and the City Manager, the employee will be returned to his/her previous position. If such a return is not possible, the City will make every effort to offer the employee another suitable position.
- D. For public safety positions, the probationary period served following a promotion is twelve (12) months. All other provisions as stated in paragraphs 2.6.3 B and C above apply to public safety positions.

**2.7. Employment Status** Please see Section 4, Pay and Classification.

**2.8. Separation of Employment**

Generally, the employment relationship may be severed at any time by either the City or the employee. Except for those positions that are specifically designated as being contract or temporary, seasonal positions, no position is given to an

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incumbent for a specified period of time. Separations fall into the following categories:

2.8.1. Voluntary

- A. Resignations. Resignations occur when an employee voluntarily decides to leave the employ of the City.
- B. Proper Notice: Ten (10) working days is considered to be proper notice of resignation under the City's policies. Employees who resign without giving proper notice will forfeit a day of accrued but unused annual leave otherwise payable to them for each day that the notice is short of the ten (10) working day requirement.
- C. Department Heads are asked to provide notice of one (1) month prior to departure, but will not be subject to leave forfeiture if written notice is provided to the City Manager less than one (1) month, but at least ten (10) working days prior to departure.
- D. Supervisory employees will forward the appropriate administrative paperwork for resignations, along with the original written notice, to the Human Resources Department for processing.
- E. Final payout of accrued, unused leave, along with any final salary payments will occur according to regular payroll schedules.
  - i. All City issued equipment, i.e., uniforms, keys, computer equipment, tools, id badges, safety personal protective equipment, weapons, etc., shall be logged as received by the City department from which it was issued prior to the final paycheck being issued.

2.8.2. Retirement

- A. Approximately four (4) to six (6) months prior to planned retirement, employees shall meet with the appropriate member of the Human Resources Department staff, or

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consult directly with Virginia Retirement System personnel to receive counseling and estimates of retirement benefit options, and to file necessary paperwork through Virginia Retirement System.

- B. Employee is expected to give notice of planned retirement at that time in order that the department head has adequate time to plan the workload assignments remaining staff and any replacement staff prior to the departure. This is not a requirement, but written notice must be given according to the guidelines of proper notice as delineated in paragraphs 2.8.1 A through E above, in order to avoid forfeiture of accrued, unused annual leave.

**2.8.3. Involuntary**

The City Manager must be included in the discussions of, and ultimately authorize the decision to involuntarily sever the employment relationship with any regular employee.

- A. Reduction in Force (RIF). When the City eliminates a position for *bona fide* business reasons, it is possible that an incumbent will lose his/her employment, either for short or long term duration. It may be a permanent loss of employment. This is most often due to budgetary constraints, or the loss of grant funding for a particular program. This separation is a situation for which the incumbent generally does not have the protections of the grievance processes.
- B. Dismissal.
  - i. Due Process. All disciplinary actions, including dismissals, must be accomplished utilizing a due process hearing between the employee and the dismissing department. This will be covered in more detail in the Section on Discipline and the one on Grievances. All employees must have the opportunity to be heard prior to any dismissals taking place.

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- ii. Administrative Leave for Immediate Removal from Worksite. In no event is an employee to be "fired on the spot". If it is necessary to remove an employee from the premises prior to the due process hearing, administrative leave with pay may be utilized for a very short duration, in order that all investigations are completed and proper approvals have been secured. The maximum duration for administrative leave with pay is ten (10) working days.
  - iii. Unemployment Claims Challenged. It is the City's policy to challenge any unemployment claim filed against it for involuntary dismissals, except for layoffs or poor performance where malice or willful non-performance is not suspected.
- C. Death of Employee. In the event of an employee's death, the Human Resources staff will work with the deceased employee's family to process any benefits due the family through Virginia Retirement System and the associated life insurance policies. Human Resources will be the liaison for the family in determining the appropriate payout for the deceased employee's final pay and/or accrued but unused leave balances, if any.

**2.9. Formats for Notifications of Separation.**

The Human Resources Department carries the responsibility to develop and implement the necessary forms and procedures for notifying payroll and information systems of an employee's departure for whatever reason.

**2.10. Exit Interviews.**

The Human Resources Department staff will conduct exit interviews with non-probationary employees departing for voluntary reasons. These should be scheduled as soon as possible following notice of resignation, or knowledge that the separation is going to occur. In the case of disciplinary dismissals, the dismissing department head must meet with Human Resources in advance of notifying the employee of his/her dismissal to schedule an appointment for this discussion of final benefits and/or leave payouts. Information received in exit interviews will be shared with the Director of Human Resources and the City Manager, for use in determining if policies

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and/or procedures need further review, or if counseling with supervisors and/or department heads is in order.

**2.11. Separation Date.**

The Separation Date is the date for which the departing employee was last actively at work. It is not permissible to delay the effective date of separation by any amount of accumulated annual or compensatory leave due to the departing employee. Pay for accrued but unused annual leave will be paid to the departing employee on a lump sum basis. The dollar amounts of this lump sum payment may be diverted to the employee's ICMA pre-tax account, if he/she already has an account established, and only amounts up to the annual maximum deferral amount for that year.



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**3. Supervision**

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**3. Supervision**

**3.1. Employee Supervision**

All work performed by City employees is assigned, directed and reviewed / evaluated by an immediate supervisor, be it a front line supervisor, department head, and/or the City Manager.

3.1.1. Management Chain. Generally speaking, the management and supervisory chain (herein collectively referenced as "supervisory employees") is characterized by the following positions:

- A. City Manager
- B. Assistant City Manager
- C. Department Directors ( also "Department Heads") who report directly to the City Manager
- D. Assistant Directors (for larger departments)
- E. Division Managers
- F. Superintendents
- G. Supervisors
- H. Crew Leaders – typically working in a lead function and actually performing similar duties as those being supervised.
- I. Lead Laborers - - working in lead function, actually performing similar duties as those being supervised.

3.1.2. Responsibilities for Supervisory Employees

- A. Supervisory employees shall communicate with employees under charge, keeping them informed of goals and policies; work procedures, work assignments; etc., and also to report back to management the attitudes, suggestions, concerns, complaints, etc., of employees.

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- B. Supervisory employees shall ensure that goals and work processes achieve the results established by management, and that all policies are implemented. Supervisors are particularly responsible for:
- i. Job procedural training
  - ii. Opportunities for development of staff for higher productivity, better quality process improvement and even possible promotions.
  - iii. Evaluating employees' performances
  - iv. Recommending salary / rate of pay adjustments, merit increases, etc., as well as transfers, promotions, demotions or separations for employees under charge. Recommending hiring of additional personnel, as well as any reclassifications or eliminations of positions.
  - v. Notifying Human Resources and the Information Technology Departments as soon as they learn of employees under their charge that are separating from City service, regardless of the reason for that separation.
  - vi. Maintaining work schedules, including approvals for days off, vacations, breaks, and for rearranging staff and workload when circumstances dictate the necessity to do so.
  - vii. To the extent legally permissible, controlling absenteeism and tardiness.
  - viii. Verifying accuracy of time sheets, or any other report coming into Human Resources, payroll or fiscal administration.
  - ix. Maintaining the safety and health of employees under charge, as well as other employees and

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citizens, by promoting order and neatness, and by  
maintaining a workplace that is free from hazards.

**3.2. Performance Evaluation**

All employees are to be evaluated according to established criteria at least annually. An individual on original probation must be evaluated at least once during his/her probationary period. The annual evaluations will generally conform to the calendar year as the evaluation period, and will provide input to any merit increase calculation processes performed in that year. Typically, merit increases are paid in the month of April, usually with the second full pay period of the month.

- 3.2.1. The primary purpose for conducting evaluations is not to provide merit increases, however. The primary purpose is to formally provide data to employees as to how well their performance is meeting expectations. It is an opportunity for formal dialog on developmental needs, expectations for the future, the provision of praise for jobs well done, and constructive suggestions for developmental improvements.
- 3.2.2. Supervisors shall communicate with employees under charge to the extent that praise is extended for work well performed, and that behaviors that are not conducive to producing a good work product are corrected as soon as possible. Discussing these items shall not be delayed to the annual performance evaluation process. Assuming the supervisor has fulfilled his/her obligations as stated herein, the factors contained in the annual performance review will not come as a total surprise to the employee being evaluated.
- 3.2.3. Performance appraisals are valuable tools for determining promotions, transfers, training needs, or for demotions and/or dismissals or layoffs. They will also be valuable in the process of succession planning.

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**4. Pay and Classification**



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**4. PAY AND CLASSIFICATION**

**4.1. Compensation and Administration**

The City has developed a Pay and Classification plan, hereinafter referred to as "the Plan". The Plan includes all regular, full time positions currently authorized by the City Council. As part of their deviated process with the state program, the positions in the City Department of Social Services are also included in the pay and classification plan. The Director of Human Resources administers and maintains the City's pay plan for all departments, including the Department of Social Services. The City Manager must approve all pay changes with the exception of the universally applied Cost of Living Adjustments given to employees with regular status.

- 4.1.1. Assignment to Pay Grades. Each position has been assigned to a pay grade based on a point scale evaluation of its compensable factors. The City contracts with outside consultants periodically to review the City's pay scale for market competitiveness. These contracts conform to the procurement policies of the City and the regulations in place for all Virginia localities concerning competitive bidding.
- 4.1.2. Continually reviewed The Plan is continually reviewed and evaluated for its competitiveness and the accuracy of the descriptions included therein for each position.
- 4.1.3. Regularly scheduled wage studies The Director of Human Resources will ensure that periodic studies of positions are accomplished whenever substantial changes to compensable factors have occurred. Additionally, requested new positions will undergo the same point factor evaluation for placement within the existing structure.
- 4.1.4. Notification to Human Resources when Job Content Changes. Department Heads will notify the Director of Human Resources in writing when any substantive changes are being made to the duties and responsibilities for positions under charge.
- 4.1.5. Maintenance of Job Descriptions The Director of Human Resources will maintain a complete set of job descriptions prepared in the job analysis processes. Job analysis refers to the process by which position components, such as essential duties, knowledge, skills and abilities, specific Americans with

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Disabilities Act requirements, and minimum educational and experiential backgrounds are studied for complexity in terms of functions performed, educational and/or experiential background necessary to perform those functions, supervision exercised, independent judgment utilized and other factors relevant in compensating positions. These factors are assigned point values. Surveys are done utilizing predetermined example, or "benchmark" positions, for which the City requests salary data from other jurisdictions, both in the immediate geographical area and others of similar size and circumstances in Virginia. These benchmark positions' point values and the respective salaries paid for them in the defined labor markets are then run through regression analysis. The positions will distribute in clusters through which the regression line, or line of best fit may be drawn. From this analysis and the clustering of positions along the line, grades are assigned for positions, according to point values.

- 4.1.6. Positions evaluated for market competitiveness and internal equity. Positions will be analyzed according to the process described in 4.1.5, and surveyed according to external market factors, but shall also be viewed with an eye to the internal equity with other positions within the organization.
- 4.1.7. Prior verification of funds available before advertising No new position may be advertised until the funding for the position is approved in the budget, and no incumbent may assume duties in a new position until such budgeted funds are allocated by vote of City Council.
- 4.1.8. Administrative Changes to Job Titles Changes to job titles that are not accompanied by changes to job content must be approved by the Director of Human Resources and the City Manager. Department generated titles that are not the products of the evaluation process are considered to be courtesy titles only; positioning system titles will be the only official titles .
- 4.1.9. Cost of Living Adjustments (COLAs) are established by vote of the City Council, in an amount and on a schedule of its choosing, based on staff recommendations.

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**4.2. Starting Salaries**

Generally, starting salary ranges are advertised in the vacancy announcement. All efforts shall be made by the hiring manager to start an employee as close to the entry level for the grade as possible, given the competitiveness of the market, the prospective employee's skill level, internal equity, both inter- and intra-departmentally, as well as the departmental budget. Generally speaking, an entrance salary falling between the minimum salary for the grade and 5% above the minimum, may be offered on a conditional basis without the prior approval of the Director of Human Resources or the City Manager, however, final approval authority for the offer still rests with the City Manager. However, any requested starting salary higher than 5% over the minimum for the grade, may not be offered -- even conditionally -- unless approved by **both** the Director of Human Resources **and** the City Manager **prior** to the extension of an offer.

**4.3. Pay for Serving in an Acting Capacity**

When an employee serves in an acting capacity for a higher graded position for more than one pay period, it is the policy of the City to pay that individual a temporary adjustment in pay for the duration of that assignment. Said adjustment will be the higher of five percent (5%) of his/her existing pay or the minimum for the grade of the position in which they are acting.

This adjustment in pay must commence at the time of the assignment, but in no case after the second pay period following the assignment, in the event the assignment falls too late in the payroll processing procedure to begin it at the time of the assignment. Under normal circumstances, "Acting Capacity" pay must be recommended by the Department Head and approved by the Director of Human Resources, the Budget Manager and the City Manager.

At the conclusion of the period of time the employee is in the Acting Capacity, the Department Head shall submit the appropriate paperwork to the Human Resources Department to return the employee to his/her former salary.

**4.4. Hourly Rates for Part Time and Temporary Employees**

The hourly rates for part time or temporary employees are usually determined by dividing applicable full time salaries for the same or similar positions by two thousand eighty (2080).

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#### **4.5. Promotion Increases**

The City Manager must approve all promotions and promotional increases. Generally, promotions are remunerated with an increase that is the higher of five percent (5%) over the existing salary, or the minimum for the grade in which the position to which the individual is being promoted is situated. Upon promotion, the individual is placed on a new probationary status for six months.

#### **4.6. Demotions**

Demotions occur when an employee is moved from a position to a different position in a lower grade. The City Manager must approve all demotions. Reasons for demotions are varied, but may include:

- 4.6.1. Business Reasons. Employee holds a position that is being eliminated or put into a non-funded status for some reason, usually a budgetary one;
- 4.6.2. Performance Related Employee is not performing at a satisfactory level for the position held, despite attempts to bring performance into acceptable range;
- 4.6.3. Probationary Period not Completed in Satisfactory Manner Employee has not satisfactorily completed the promotional probationary period;
- 4.6.4. For Good of City If it is deemed to be for the good of City service; or
- 4.6.5. At Employee's own Request Employee requests such demotion in order to be relieved of certain duties or responsibilities in the higher graded position.

Non-disciplinary demotions result in a reduction of pay, usually some mutually agreed upon figure in the range of the lower graded position, but in no event with the demotion result in a salary that is higher than that being paid by the position being vacated as a result of the demotion. In any event, a suggested guideline is the reverse of the promotional increase; that is, a five percent (5%) reduction to current salary or the midpoint of the lower grade.

Demotions may involve placing the incumbent in an hourly status, and reducing the hours from full time to part time.

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All demotions and related reductions in pay must have the approval of the Director of Human Resources and the City Manager.

**4.7. Reclassifications of Positions and Associated Changes in Pay**

When a position is reclassified, pay for that reclassification is calculated based on the relative position to midpoint in the existing structure, then that same relative position is calculated for the new grade and assigned accordingly. For example, if the incumbent's pay is ninety percent (90%) of the midpoint for the position's grade prior to reclassification, assuming the employee is performing satisfactorily, the incumbent would be placed at ninety (90%) of grade midpoint for the new grade whether it is a promotion or a demotion. All reclassifications must meet with the approval of the Director of Human Resources and the City Manager, once the department head has certified that funds are available in his/her budget. Typically, probationary periods are not reinstated for position reclassifications, as the neither the positions nor the incumbents have changed; only the relative value of the position in the organization's pay structure.

**4.8. Employment Classification**

Generally, positions are assigned as follows:

4.8.1. Regular. These positions carry the distinction of having regular schedules and incumbents in them have access to the City's grievance procedures. Full Time positions also carry the full range of City benefits.

A. Full Time.

- i. Carries regular work schedules of between thirty seven and one half (37.5) and forty (40) hours per week.
- ii. These may be designated as exempt or non-exempt under the definitions in the Fair Labor Standards Act.
- iii. All regular, full time positions have incumbents earning salaries, whether exempt or non-exempt under FLSA.



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**B. Part Time.**

- i. Carries regular work schedules that average thirty (30) hours per week or less
- ii. Are designated as non-exempt under the definitions included in the Fair Labor Standards Act.
- iii. Are paid on a per hour basis.

**C. Per Requested Need or "PRN"**

- i. These positions are not considered temporary, but they do not carry consistent schedules, either.
- ii. These positions are paid per hour and are considered non-exempt under the FLSA.
- iii. PRN employees must work an average of thirty (30) hours per week or less.
- iv. They do not have a specified duration of employment.
- v. These positions may have pay periods for which incumbents do not work, and are not paid; however, an incumbent in such a position who does not work nor receive pay for three consecutive months, will be considered separated for business reasons.
- vi. PRN employees do not accrue City paid benefits.

**D. Temporary, Seasonal Part Time**

- i. These positions are for a specified duration, not to exceed that duration. Temporary, Seasonal Part Time employees are not to exceed six consecutive calendar months in any calendar year.
- ii. At the end of said designated time period, said employee will be placed in the inactive or "D" status, and must be reactivated prior to being paid. The appropriate forms so designated by Human Resources and Payroll must be utilized.

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- iii. These positions do not carry eligibility for grievance procedures, as the employment period for incumbents typically does not exceed the duration of original probationary employees.
- iv. Except for the parks maintenance division of the Department of Parks and Recreation and Public Facilities, temporary seasonal position incumbents are limited to a maximum consecutive six month period of employment. Parks Maintenance seasonal workers work a season generally beginning April 1, and usually extending through October 31 each year, depending on weather factors that could inhibit or prolong the growing seasons. Any deviation from this guideline must have prior written approval from the Director of Human Resources.
- v. Most Parks and Recreation Seasonal positions are considered exempt under FLSA guidelines, but must be evaluated for that purpose.

**E. Grant Funded.**

From time to time, City department may receive funding through grants from outside agencies. Positions created due to these grants are considered regular from the standpoint of work schedules and benefits, depending upon whether they have full or part time schedules. However, incumbents in these positions must understand that the City is not obligated to give these positions full regular status if the grant funds are not awarded and the budget is not able to support the continuance of the program(s) or the employment relationship(s) of the incumbent(s).

**F. Employees of Constitutional Officers.**

Persons who are appointed by the five elected individuals whose positions are described in the Virginia Constitution:

- i. Clerk of the Circuit Court
- ii. Commissioner of the Revenue
- iii. Commonwealth's Attorney

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- iv. Sheriff
- v. Treasurer

These employees are considered to be employees of the City for purposes of pay and classification, benefits administration and for the policies included herein, except that the results of the grievance procedures are considered to be guidance for the Constitutional Officer rather than as being binding upon him or her.

#### **4.9. Overtime / Compensatory Time**

Overtime and Compensatory Time are two terms used to describe how a non-exempt employee is compensated for working hours in excess of the standards set for his/her pay period under the terms of the Fair Labor Standards Act, (hereinafter, "FLSA"). Persons who are classified as non-exempt are those who are eligible for additional compensation in the form of money or of time off for working hours in excess of their predetermined standard under the FLSA.

- 4.9.1. "Overtime" is a term that refers to the actual check or currency compensation for hours worked in excess of the defined standard, if said individual is considered "non-exempt" under the provisions of the FLSA. This means that an individual who actually works, and is not simply in a paid status, for more than forty (40) hours in a given work week must be paid at one point five (1.5) times their hourly rate for those hours that are in excess of forty (40). In the Commonwealth of Virginia, overtime is not calculated for hours in excess of eight (8) in a day, nor is it calculated unless all the hours that are paid in the week are for hours actually worked.
- 4.9.2. Calculation of Hours Worked Past the Standard Hours for the Department, but Less than Forty (40) in a Week Employees who are salaried but considered non-exempt, or any hourly-paid employees, are compensated on an hour for hour basis for hours worked either between the shift standard of thirty-five (35) and forty (40) hours, or between thirty-seven and one half (37.5) and forty (40) hours in a work week. These hours may not be referenced as "comp time." See definition for compensatory time in 4.9.3, below.

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4.9.3. Compensatory time refers to the practice of allowing paid time off in the place of paying dollars for that period of time that an individual works in excess of forty (40) hours in a given work week, and given that the employee is considered "non-exempt" under the definitions included in the FLSA. The time off granted must be expressed as one and one-half times (1.5 times) the number of hours actually in excess of forty (40) in the given week.

- A. Use of accrued compensatory time off **must be requested and granted by Department Heads in writing and in advance**; and
- B. All accrued, but unused compensatory time is payable upon termination of employment
- C. Compensatory hours up to two hundred forty (240) may be carried forward from one leave year to the next. Compensatory hours in excess of two hundred forty (240) shall be paid at the conclusion of the leave year.
- D. Department Heads are responsible for reviewing compensatory time balances and determining schedule methodology for their employees using compensatory leave within ninety (90) days of earning it.
- E. A Department Head may deny use of compensatory leave only if scheduling it would cause a hardship for the department.
- F. Requests to Work and Accrue Overtime and/or Compensatory Time must be in Writing Both overtime and compensatory time should be requested in writing and approved **PRIOR those hours being worked**, with the exception of *bona fide* emergency situations, or hours worked by public safety employees. In no event other than a *bona fide* public safety emergency may an employee work hours that would result in an overtime or compensatory time

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accrual without the prior written instruction or approval of the supervisor.

4.9.4. Public Safety Employees under "Section 207" Rules Public Safety employees may work under the provisions commonly called Section 207 under the auspices of the FLSA. These establish a set number of hours worked in a twenty-eight (28) day cycle for persons employed in sworn law enforcement or the fire / emergency medical services. Any hours exceeding that number – which is one hundred seventy-one (171) for sworn law enforcement and two hundred twelve (212) for the fire service - would be payable monetarily or have time off granted according to the "time and one half" provision

4.9.5. Exempt Employees provisions under FLSA Persons classified as "exempt" under the FLSA are not entitled by law to any compensation for hours actually worked in excess of forty (40) hours per week. By the same token, it is considered a violation of the FLSA to "dock" an exempt employee for less than the full scheduled work shift, if he or she works at least part of that scheduled work day, except for disciplinary reasons. Absences by an exempt employee for the entirety of a scheduled work shift will be considered as the person's annual leave, sick leave or leave without pay, depending upon the circumstances of the absence.

#### **4.10. Work Hours**

Generally, the City offices and departments are open to the public from 8:15 am to 4:30 pm, Monday through Friday. The City's work week for its biweekly payroll purposes begins on Saturday and ends on Friday of the following week.

The City has departments and personnel whose work requires different schedules. Some are open and functional for twenty-four hours (24) per day, seven days per week, and three hundred sixty-five (365) days per year. By definition, these departments have different shifts and schedules.

The City Manager may, at his/her discretion, consider and implement alternate work scheduling for the more standard-business-week positions in an effort to provide more effective stewardship of the City's financial, physical and human resource. These may take the form of compressed work weeks, in which individual employees

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would work fewer but longer days within a pay period and have an additional day away from work than the more standard work week or pay period permits. The following are guidelines for use in developing and using Alternate Work Schedules, if such schedules are beneficial to the citizens of or visitors to Fredericksburg, the City overall organization itself, the department and the employee or employees involved.

- 4.10.1. Department Heads may approve alternative schedules for eligible employees within their organizations to meet operational and customer needs, as well as providing employees the opportunity to balance careers and family lives.
- 4.10.2. Alternative schedules may take the form of varying start and end times, or compressing work weeks. Flex time involves working hours that are not identical to the department's normal operating hours, or the designated schedule, if any, for the specific position.
- 4.10.3. Flex time or compressed work weeks may be requested by an individual employee by means of a memorandum to Department Head, who will then evaluate all such requests on case-by-case bases. While it is not required that alternative work schedules be uniformly available to all positions within a department, the Department Head is responsible for ensuring fair and equitable administration of this policy to all eligible employees.
- 4.10.4. Employees are not eligible for alternative work schedules in the first six months of employment, or when high levels of performance and productivity are not demonstrated regularly.
- 4.10.5. Further, Department Heads shall consider the following when reviewing a request for approval:
  - A. All applicable federal, state and local laws, ordinances and regulations regarding wage and hour concerns,
  - B. Employee's past and present performance levels,
  - C. The essential functions of the position,
  - D. Customer interaction with the position,
  - E. Minimum, on-site, departmental staffing levels during operational hours,
  - F. The effect the alternative scheduling will have on departmental and/or organizational productivity.

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- 4.10.6. Employees who are ultimately granted an alternative work schedule are held to the same conditions of continued employment as are all other employees and shall be required to:
- A. Perform the essential functions of the position;
  - B. Maintain performance and productivity levels;
  - C. Keep accurate account of work hours and utilize leave as needed;
  - D. Act in a professional manner at all times while performing duties, and adhere to the Standards of Conduct as outlined in the Human Resources Policies, regardless of work location and hours;
  - E. Maintain a safe work area;
  - F. Adhere to all other policies outlined in Human Resources Policies and/or any departmental policies.
- 4.10.7. Alternative work schedules shall not:
- A. Result in an employee working less than his/her prescribed hours within a pay period;
  - B. Cause or contribute to the need for additional staff or for existing staff to work overtime hours;
  - C. Change or diminish the department's regular operating hours, or cause the Department Head any constraints with regard to creating and/or adjusting work schedules.
- 4.10.8. Department Heads may discontinue, temporarily suspend and/or modify alternative work schedules if operational needs change, service is impaired in any way, or if the employee's performance declines.
- 4.10.9. Department Heads must review the Alternative Work Schedules on an annual basis to determine if the plan is still mutually benefiting the City organization, the citizens, the employee and if the plan is still permissible under any applicable laws.

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**5. BENEFITS**

Along with providing competitive compensation in the form of wages and salaries, the City's policy is to provide an attractive package of benefits. These benefits are at the discretion of the City Council and may be augmented, reduced, or altered at the direction of City Council, by recommendation of the City Manager.

**5.1. Holidays**

- 5.1.1. The City generally observes the same holidays as those observed by the Commonwealth of Virginia, with one (1) exception. The holiday known as Lee-Jackson Day is observed by the individual employee as a floating holiday; the City offices do not close on that day. The City Manager may elect to open City offices on days otherwise designated by this listing as being closed, if economic conditions warrant doing so. The other generally observed holidays are as follows:

New Year's Day	Labor Day
Martin Luther King, Jr Day	Columbus Day
President's Day (Washington's BD)	Veterans Day
Memorial Day	Thanksgiving Day & Friday
Independence Day	Christmas Day

- 5.1.2. These holidays are sometimes augmented by the Governor of Virginia. The City may elect to also offer the augmented holidays, or may elect to remain open instead. The schedule of applicable dates of observed holidays is published annually by the City Manager's Office.
- 5.1.3. Holidays are generally accrued as eight (8) hour benefits for those employees who are scheduled work the standard forty (40) hour workweek. For classes of employees averaging a forty-two (42) hours workweek, the benefit is accrued as an eight point four (8.4) hours; for employees whose work schedule averages fifty-six (56) hours per week, the accrued holiday benefit is eleven point two (11.2) hours.

Payment or use of the Holiday Benefit shall be as follows:

- A. For employees working a standard work week of forty (40) hours and who observe the holiday along with the majority of employees, no additional Holiday Benefit is accrued or paid.



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- B. For employees whose schedules require them to work on the observed Holiday, a Holiday Benefit of the length corresponding to their average scheduled work week shall be given. The employee will have the option of receiving the Holiday Benefit as monies included in his/her paycheck or being able to have the Holiday Benefit credited to them as Holiday Benefit Leave. If the employee does not exercise this option by the deadline for the pay period in which the holiday was observed, the default payment is Holiday Benefit Leave.
- C. For the employee whose regularly scheduled day off coincides with the observed holiday, a credit of the appropriate Holiday Benefit will be made to the Holiday Benefit Leave balances.

5.1.4. The Holiday Benefit is intended to allow employees who, due to the nature of the work they do, have to work on an observed holiday when the majority of other employees are off work without reduced pay. The hours mentioned in 5.1.3 above are provided to such an employee in such situation as a Holiday Benefit to be taken at a later date. Employees will only be allowed to carry one hundred forty-four (144) hours at any time. Hours in excess of the maximum one hundred forty-four (144) hours on December 31 of each year shall be forfeited.

## **5.2. Leave**

### **5.2.1. Paid Leave:**

- A. Annual Leave or Vacation: Employees accrue hours for each pay period they work for later use as paid time off for personal business, vacation, etc. Annual leave balances may be carried from one calendar year to another, subject to a maximum of two (2) years' worth of accrued hours consistent with the level of service for that employee. Employees are paid the accrued but unused leave balances, subject to the maximum for years of service, upon separation from employment in good standing. The following table expresses the annual leave accrual and maximum carryover rates from one year to the next, and is based on a standard scheduled work week of forty (40)

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hours. This will cover most employees with the exception of two classes: Emergency Communications Officers, whose standard scheduled work week is forty-two (42) hours and Fire Suppression Firefighter/Medics, whose standard scheduled work week is fifty-six (56) hours.

Service	Accrual/Yr	Hours/Pay	Carryover
< 4 years	80 hours	3.333	160 hrs
4 but <11 yrs	120 hours	5	240hrs
11 but <20 yrs	160 hours	6.666	320 hrs
20 yrs +	200 hours	8.333	400 hrs

The following table presents the accrual rates for Emergency Communications Officers, and who are scheduled to work forty-two (42) hours per week:

Service	Accrual/Yr	Hours/Pay	Carryover
< 4 years	84 hours	3.5	168 hrs
4 but <11 yrs	126 hours	5.25	252hrs
11 but <20 yrs	168 hours	7	336 hrs
20 yrs +	210 hours	8.75	420 hrs

The Following Table presents the accrual rates for Firefighter/Medics who are assigned to Fire Suppression activity and who are scheduled to work fifty-six (56) hours per week:

Service	Accrual/Yr	Hours/Pay	Carryover
< 4 years	112 hours	4.666	224 hrs
4 but <11 yrs	168 hrs	7.00	336 hrs
11 but <20 yrs	224 hours	9.333	448 hrs
20 yrs +	280 hours	11.666	560 hrs

Annual leave is to be taken in hourly increments, or fractions thereof, with the smallest increment being one-half (1/2) hour. This increment may be higher in the departments having minimum staffing requirements, such as fire suppression, emergency medical operations, emergency communications centers, etc. Annual leave may not be utilized by newly hired individuals until they have successfully completed six (6) months of employment with the City. Additionally, at termination, annual leave will be reduced by the number of hours that the notice given is insufficient. Accrued but unused

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annual leave will be forfeited in the case of the employee who is dismissed for gross misconduct.

- B. Sick Leave. Employees also accrue hours during each pay period they work for later use in the event of their own illnesses or the illnesses of family members, as defined in the Family and Medical Leave Act of 1993, (hereinafter, "FMLA"). It should be noted that sick leave does not become the property of the employee until it is used for an approved purpose.
- C. Sick leave is to be used on an hourly basis. Newly hired individuals are not eligible to use sick leave until they have completed three (3) months of employment. Employees who are regularly scheduled to work the standard forty hour(40) work week accrue four (4) hours of sick leave in each of twenty-four (24) pay periods. For employees working as Emergency Communications Officers, sick leave is accrued at a rate of eight point four (8.4) hours per month or four point two (4.2) hours per pay period. Firefighter/Medics assigned to fire suppression duties and who are scheduled to work an average of fifty-six (56) hours per week accrue sick leave at a rate of eleven point two (11.2) hours per month, or five point six (5.6) hours per pay period. It is understood that employees will utilize sick leave according to number of hours, or fractions thereof, away from work, or as directed by the department's standard operating procedures.
- D. Payment for Sick leave for any one period of illness or injury may not exceed twenty-six (26) work weeks, adjusted for work schedules and hours as defined in paragraph C above, regardless of any remaining amount of accrued, but unused sick leave for the employee, unless written permission is granted by the City Manager. Employee may choose to utilize annual leave or compensatory leave balances at this point. (Please refer also to Section 5.2.3.C for information regarding job protections under Family and Medical Leave Act provisions.)

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- E. Accrued but unused sick leave is not payable upon separation if the employee is being dismissed for misconduct, or unless the individual has over five (5) years service, and is then subject to two (2) restrictions:
  - i. The balance is multiplied by 0.25; and
  - ii. Maximum payout is \$3,000.
- F. Payout of Other Leave Balances Upon Separation. All payments of accrued but unused leave balances as described in paragraphs A and B above shall be made using actual, paper checks rather than direct deposits.
- G. Military Leave. The City extends paid and unpaid leaves of absence for regular employees who enlist, are inducted, or perform active or inactive duty with the armed forces while an eligible member of a military reserve component or with the National Guard. The City complies in all respects with the Uniformed Services Employment and Reemployment Rights Act.
  - i. Basic Military Leave pay. City employees who are eligible members of the organized reserve units of any of the branches of the United States Armed Forces or the National Guard may be granted up to fifteen (15) days pay per any calendar year when their units are activated for compulsory military duty or training, provided such duty is necessary to maintain their status in their respective component.
  - ii. This fifteen (15) day period is also utilized at the beginning of an active duty deployment during war or declared national emergency.
  - iii. Extended Military Leave. When a City employee leaves City employment to serve in the Armed Forces in any capacity during war or declared national emergency, he or she will be granted a leave of absence without pay along with the right to return to the same or comparable City employment within ninety (90) days of the end of the deployment, the

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discharge from the military under honorable circumstances, or the deactivation of the unit. The employee must provide suitable documentation in order to resume work.

- iv. Extended Military Leave commences when the Basic Military Leave has been exhausted, unless the employee has also elected to utilize unused, accrued annual or compensatory leave. If so, the Extended Military Leave begins when such annual or compensatory leave has also been exhausted.
- v. Supplemental Military Pay. It is possible for an employee who is called to active duty to receive a pay supplement under the following conditions:
  - a. The employee involved was regular, full time; and
  - b. Is now on "*extended military leave*", and
  - c. Receives a military salary (including allowances) that is less than the employee's base City salary.

**H. Civil Leave (Jury Duty)**

Employees are encouraged to perform their civic duties by serving on juries when called. It is the City's policy to continue regular salary on such days that employees serve on juries, or are subpoenaed to serve as witnesses in court proceedings to which they are not direct parties. Employees must provide supervisors with copies of the notification that they have been selected for jury duty within 3 business days of receipt. In return for the City continuing salary while an employee is serving on a jury, the employee shall endorse to the City the payment for said jury services within three (3) days of receipt of the check.

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**I. Bereavement Leave**

When employees suffer the loss of first degree relatives, bereavement leave of up to three (3) work days may be granted by the department head in order for the employee to arrange and attend the funeral services. For purposes of bereavement leave, the relationships are limited to: spouse, child(ren), parents, siblings, grandparents; parents, siblings or grandparents of spouse, or any relative residing in the household with the employee, or person who stood *in loco parentis* for the employee during employee's childhood. The three (3) days granted herein will not be charged to annual leave. Any additional days required for travel to and from the funeral will be charged to annual leave, or compensatory leave, if annual leave balances are depleted. Sick leave may not be used for bereavement leave.

**J. Administrative Leave.**

Typically, administrative leave is used for cases in which an investigation into potential employee misconduct is being conducted. However, there may be occasions where this type of leave is granted by the City Manager and not charged to an employee's annual leave. These situations shall be at the sole discretion of the City Manager.

**K. Inclement Weather**

While committed to remaining open and in operation during all scheduled shifts, the City is mindful of those occasions when weather conditions are of such severity as to make traveling unsafe. Employees in public safety, public facilities and public works street maintenance positions may be considered essential and may be required to report to work. Failure of these essential employees to report may result in disciplinary action. If an authorized closing is declared, all employees deemed to be non-essential for the situation may remain off work but will receive regular salary as if they reported to work. Any employees deemed to be non-essential, but who report to work during an authorized closing will not receive additional

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remuneration for doing so. Employees are responsible for determining whether road conditions during periods of inclement weather render the trip into work unsafe, whether the City issues an authorized closing or not. In these cases, the employee may utilize available compensatory or annual leave without providing the usual advance notice to his or her supervisor.

**L. Payment for Accrued, Unused Annual and/or Compensatory Leave at Separation**

As long as proper notice of resignation is provided, an employee who voluntarily separates employment following the initial six (6) month original probationary period will receive lump sum payment of all accrued, unused annual leave up to the maximum yearly carryover amount and all accrued compensatory leave. Employees who are dismissed due to misconduct are not entitled to payment of accrued, unused annual leave. Accrued, unused compensatory leave must be paid upon separation in any event, as is required by the Fair Labor Standards Act.

**5.2.2. Leave Without Pay**

There may be occasions when employees need to be absent from work due to illness or for personal reasons, but for which no accrued leave is available. In such instances, department heads may approve such absences as Leave Without Pay (hereinafter, "LWOP"). The departmental time keeper shall note the employee's time records as such in these infrequent cases. In circumstances where the unpaid absence is for FMLA qualifying illnesses, such absences shall be noted on the Record of Sick Leave Usage form, and signed by the department head.

**5.2.3. Family and Medical Leave Act of 1993**

The Family and Medical Leave Act of 1993, (hereinafter, "FMLA") is incorporated herein by reference. The City is committed to complying with its provisions. It should be noted that the FMLA is designed strictly to provide job protection for employees who must use it; it is not a separate pool of leave time when one is out of

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accruals for paid leave. FMLA runs concurrently with paid leave when the situations resulting in the absence qualify as medical or family leave under the definitions of the act.

The FMLA requires an employer to allow for up to twelve (12) weeks of unpaid leave in certain situations during a given twelve (12) month period. Following the first absence under the FMLA's provisions, the City utilizes a rolling twelve (12) month period, and begins the new assessment of the twelve (12) months on the return to work date. The City expects employees needing to access the protections under this legislation to exhaust all accounts of paid leave at their disposal prior to switching to the Leave Without Pay portion, if any, during the twelve (12) week period. However, whether utilizing the various paid leave accruals, or the unpaid LWOP, the FMLA job protections expire at the end of the twelve (12) week period.

- A. To be eligible for FMLA protected leave, one must
  - i. Have worked a minimum of one thousand two hundred fifty (1,250) hours in the twelve (12) months immediately preceding the leave; and
  - ii. Must have a diagnosed, serious health condition as defined by the Act:
    - a. illness requiring being under the care of a physician or other health care professional; or
    - b. illness or injury resulting in the employee being out of work for a period of three (3) or more consecutive days; or
    - c. illness or injury requiring intermittent absences for treatment or physician's care that renders the employee unable to perform all the essential duties of his or her position; or
  - iii. Must have a spouse, parent or child diagnosed with a serious health condition as defined in the FMLA, and as described in the subsets of paragraph 5.2.3.1.1



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above who, by physician certification, requires the presence and care of the employee; or

- iv. Require the leave for the birth of a biological child, or for the placement of an adopted child in the household. As provided in the FMLA, in the event of two (2) employees who are married to each other, and who are expecting a child, the FMLA eligibility (assuming all other conditions are met) is a *combined* twelve (12) weeks for the birth or placement of the child, not twelve (12) weeks for each parent for the birth of the same child.

- B. The Human Resources Department shall provide the necessary information and paperwork to comply with the provisions of this law. Employees needing to access this leave are required to contact both their department heads as well as the Human Resources Department to obtain necessary forms. Employees are also required to communicate with their immediate supervisors regarding their progress and their return to work status.
- C. At the conclusion of the twelve (12) weeks of FMLA certified leave, job protections afforded under the FMLA will cease. If requested by the employee, the City will evaluate the continued absence of the employee as a possible "reasonable accommodation" under the Americans with Disabilities Act.
- D. Military Family Leave Provisions. There are two forms of FMLA that are specific to "military families".
  - i. Qualifying exigencies. This is leave to address the most common issues that arise when a covered military member is deployed, such as attending military-sponsored functions, making appropriate financial and legal arrangements, and arranging for alternative childcare.
    - a. Covered military member: employee's spouse, child - - biological, step, adopted or legal ward - - or parent.

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- b. Active duty or call to active duty status: This refers to a member of the National Guard or Reserves who is under a call or order to active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
  - c. Families of service members in the Regular Armed Forces are not covered by this section of the entitlement under the military provisions of the FMLA.
  - d. Please see Human Resources staff for a detailed listing of "exigency leave" reasons.
- ii. Military caregiver leave. This is leave taken by an eligible employee to care for a covered service member with a serious illness or injury.
- a. An eligible employee who is the spouse, child, parent or *next of kin* of a service member with a serious illness or injury may take FMLA leave to provide care to the service member.
  - b. This provision applies to members of the Regular Armed Forces as well as those in the Reserves and the National Guard who are called to active duty.
  - c. The definition of "covered Service member" is: a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty on active duty.
  - d. Under this provision, the eligible employee is entitled to take up to 26 workweeks of leave during a single 12 months period to care for a seriously injured or ill covered service member.

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**5.3. Group Benefits**

5.3.1. Medical Insurance. The City is committed to providing access to medical insurance programs that provide the optimal and cost effective mix of traditional and managed care available in a cost sharing arrangement.

5.3.2. Dental Insurance. The City is committed to providing access to a dental insurance plan, either as a stand alone program, or in conjunction with medical insurance, that provides for basic, major and orthodontic coverage for employees and their dependents on a cost shared basis.

5.3.3. Virginia Retirement System.

A. Defined Benefit Retirement Program. The City fully participates in the Virginia Retirement System's defined benefit plan for retirement, paying both the employee and the employer contribution for each full time, salaried employee each month. The percentage for each employee is equivalent to five percent (5%) of the employee's base salary each month. A variable percentage comprises the employer's contribution to the plan, which goes to fund administrative and costs to provide benefits to current retirees, according to programs the City has resolved to provide.

B. Group Life Insurance through the Virginia Retirement System. The City also participates in the Basic Group Life insurance program offered through the Virginia Retirement System. The City pays the majority of the cost of this program, however, employees do contribute a small percentage of this premium payment each month. The benefit is defined as the employee's base salary, rounded up to the next highest thousand (1,000), and multiplied by two (2).

C. Optional Life Insurance Program. In conjunction with the Basic Group Life insurance program, the City participates in offering the Optional Group Life insurance to employees, although the City does not contribute to the cost of the

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premiums for it. This program allows eligible employees to purchase additional life insurance on themselves, their eligible spouses and children. Costs for these programs vary with age and salary level, but may be paid through payroll deduction.

**5.3.4. Deferred Compensation Plan (Section 457)**

The City offers access to a Section 457 plan into which an employee may make tax-deferred contributions for additional retirement savings. The employee contributions are invested in any of a selection of options provided by the carrier, according to the employee's wishes. Subject to budgetary constraints and at its sole discretion, the City may match employees' contributions up to certain maximums per pay period.

**5.3.5. Retiree Health Insurance Benefits.**

The City wishes to provide health insurance for those who have served the City and have now retired.

- A. *For those employees who were hired in a full time position prior to July 1, 1996*, have remained in the continuous employ of the City of Fredericksburg for more than ten (10) years, and are now retiring according to the provisions of **regular service retirement** under the Virginia Retirement System, the City will pay the cost of the Subscriber only coverage for the health insurance plan selected.
  
- B. *For those employees who were hired in a full time position prior to July 1, 1996*, have remained with the City for at least five (5) years, and are now retiring according to the provisions of **disability retirement** under both the Virginia Retirement System and the Social Security Administration, the City will pay the cost of Subscriber only coverage for the health insurance plan selected. **However**, if the employee separates from the City's employ during the process of the disability insurance being determined, insurance may only be continued under the provisions of the Consolidated Omnibus Benefits Reconciliation Act (hereinafter "COBRA"), and the individual is responsible for making applicable premium and

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administrative fee payments. The City will not contribute to those COBRA coverage payments.

- C. *For those employees who were hired or rehired in a full time position covered under VRS on or after July 1, 1996*, have remained in a VRS covered position continuously for fifteen (15) years and who meet the requirements of **regular service retirement** under the provisions of the Virginia Retirement System, the City will provide a credit based on years of service toward the cost of the coverage, either under one of the City's plans or in a plan of the retiree's choosing. However, if the retiree chooses a plan that is different than the City's plan, he or she will be required to provide documentation of that plan's cost in order to receive the credit.
- D. *For those employees who were hired or rehired in a full time position covered under VRS on or after July 1, 1996*, who have been continuously employed in that position for five (5) years, and who have been declared eligible for disability retirement under the provisions of VRS and the Social Security Administration, will receive the maximum credits toward the cost of coverage, as described in the paragraph immediately preceding this one. **However**, if the retiree actually separates from the City's employ prior to the determination of disability, the retiree will be required to maintain continuous coverage in the City's health insurance plan utilizing the provisions of COBRA; the City will not contribute to the premium or administrative fees under the COBRA program.
  - i. *Maximum health insurance credits* are for thirty (30) years service.
  - ii. Other Restrictions to Health Insurance Credits
    - a. In the event the retiree's health insurance premium is less than the dollar amount of the health insurance credit for which the retiree is eligible, the lesser of the two amounts will be used for credit.

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- b. Partial years of service are not used in calculating credit.
  - c. Retirees who qualify for the credit and select a personal plan rather than one of the City's plans will be eligible for the lesser of the credits and the actual cost of the subscriber only coverage under that plan.
  - d. Retirees who enroll other family members on their insurance plan will only receive credits for the subscriber only premium.
- iii. Once a retiree becomes eligible for Medicare, the City will transfer coverage and/or credits, whichever is applicable, to a Medicare supplemental plan.

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#### **5.4. COBRA**

The City is committed to being in full compliance with the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986, more commonly known as COBRA. This legislation provides the employee, and any covered dependents of said employee, who becomes ineligible for medical insurance coverage due to a defined qualifying event with the right to continue participating in the employer's group health insurance benefits at his or her own expense for periods of time up to a maximum total of thirty-six (36) months. The City contracts with a third party to administer the COBRA provisions.

##### **5.4.1. Examples of qualifying events for employees are:**

- A. Separation from the City's employ, except for involuntary separations due to reasons of the employee's gross misconduct;
- B. Change in the employment status in which the employee who was previously eligible for coverage is not ineligible; such as going from a full time position to a part time position.
- C. Examples of qualifying events for an employee's dependents are:
  - i. Loss of coverage by the employee's qualifying event described in paragraph 5.3.6.A and its subsets above;
  - ii. Death of employee;
  - iii. Employee becoming eligible for Medicare;
  - iv. Dependent child reaching maximum age for coverage under employee's group health coverage
  - v. Divorce from employee



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### **5.5. Employee Assistance Program**

The City is committed to the health and well-being of its employees. The City recognizes that sometimes events in the personal lives of employees may impact on the employees' abilities to perform the functions of their positions with full effectiveness. For those issues that may find resolution in counseling, the City makes available an employee assistance program. This program provides assessment and referral services, as well as short term treatment programs.

#### **5.5.1. Examples of these issues are:**

- A. Marital and other family problems
- B. Financial difficulties
- C. Alcohol and/or substance abuse
- D. Grief
- E. Stress Management
- F. Anger Management

#### **5.5.2. Referrals**

- A. Self-refer. The employee is always welcome to make the initial contact with the program independently. It is confidential. It is not a requirement that the individual be referred to EAP through Human Resources or a supervisor when seeking services voluntarily.
- B. Indirect Employer Referral. This type of referral occurs when an employee's performance is suffering due to personal issues, and the supervisor and employee agree that counseling might be helpful in resolving those issues. In this instance, the employee would still contact the agency independently and the referral information remains confidential.
- C. Direct Employer Referral. This type of referral occurs when an employee's job performance has deteriorated to the point that dismissal is the logical consequence unless counseling is accessed. In these events, the Human Resources department will make the arrangements for the initial



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assessment visits, and the supervisor will notify the employee that continued employment is contingent upon the employee completing the recommended treatment plan. The referral is only discussed with and by individuals with a direct, *bona fide* need-to-know.

- i. In the event of a direct referral, the EAP reports to the Director of Human Resources whether or not the employee is attending appointments and whether he/she is complying with the treatment program. No other information is provided to the City regarding the employee and his/her treatment.

**5.6. Voluntary Sick Leave Bank or Other Forms of Income Protection When Absent due to Extended Illness.**

The City wishes to provide outlets by which employees may protect income when sudden, serious illnesses make it necessary to miss work, and all accrued leave has been exhausted.

**5.6.1. Voluntary Sick Leave Bank, hereinafter, the "VSLB".**

- A. This program is entirely optional for the full time employee. The employee wishing to join simply donates a day of sick leave to the VSLB. In return for this, he/she may be eligible to receive up to thirty (30) working days, which is two hundred forty (240) hours of sick leave in a plan year in the event of a serious, extended illness or disability that prohibits him/her from working. Please see the administrative procedures for the details on how this program is administered.

**5.6.2. Other forms of Income Protection.** The City may, at its sole discretion, choose to provide other forms of income protection in the event of more extended illness or disabilities. One such program would be voluntary disability insurance plans, or some combination of employer/employee contributory disability insurance plans.

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**5.7. Section 125 "Cafeteria" Benefits**

This section of the Internal Revenue Code allows individuals who are covered under group health insurance plans and who pay premiums through payroll deduction to have these deductions taken before the federal and state income taxes are calculated on earnings. The City takes advantage of these provisions, and provides opportunities for such tax advantages to its employees.

- 5.7.1. The City processes all premiums for employee health insurance, to include medical and dental insurance, as being deducted from employee wages prior to the federal and state income taxes being calculated. Employees wishing to have taxes calculated prior to these deductions being taken must notify Human Resources of such wishes so that arrangements may be made.
- 5.7.2. The IRS also provides opportunities for Flexible Spending Accounts (hereinafter "FSA"). Flexible Spending Accounts are pretax monies set aside to pay certain qualified medical expenses, and/or expenses for the day care of a dependent in the employee's household. The two types of FSA's are:
  - A. Un-reimbursed Medical Expenses "URM". These are eligible medical expenses for which the employee has had to pay out of his/her own pocket, and which the insurance plan will not pay. Examples of such expenses are: co-payments or co-insurance amounts on physician's office visits, prescription drugs, approved over the counter medications, eyeglasses or contact lenses, etc. The City establishes a yearly limit on the maximum dollar amount an employee may put aside for this program. This is an administrative change, and more details may be found in the procedures section covering URM's. At the time of this writing, the maximum one may set aside for URM is three thousand dollars (\$3,000) per plan year.
  - B. Dependent Care Expenses "DDC". These expenses are those incurred when an employee must hire someone to care for, monitor or otherwise attend a dependent - - whether child or adult - - who requires constant care in

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order for the employee to work. The IRS establishes a yearly limit of five thousand dollars (\$5,000) for these expenses. Details on the administrative specifics for this program are found in the procedures sections covering Flexible Spending Accounts and DDC's.

- C. Expenses reimbursed under Flexible Spending Accounts are not eligible for claiming as deductions on end of year tax filings.
- D. Flexible Spending Accounts ("FSA's") are actually agreements that an employee makes with the Internal Revenue Service regarding the use of money set aside as tax-free. The rules imposed with FSA's are not those of the City of Fredericksburg, or with the City's chosen administrator, but with the Internal Revenue Service.

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**6. WORKPLACE BEHAVIOR AND DEMEANOR**

The City expects professionalism, civility and courtesy to permeate the organization, and be evident in all actions of its employees and managers alike. This section will provide some guidance as to the nature of the City's expectations of its employees.

**6.1. Attendance and Punctuality.**

6.1.1. Report Promptly Employees shall report promptly at the appointed dates and times noted in their schedules. Use of annual leave is to be requested in advance and scheduled; absences due to sudden personal accidents and/or illnesses shall be reported as soon as practicable when the employee becomes aware that he/she will not be able to report as agreed. Employees must notify their supervisors according to departmental procedures; absent such departmental procedures, within two hours of their scheduled start times in order to be considered timely and excused.

- A. Failure to report in or to notify the appropriate individual in the department of the absence may be grounds for disciplinary action.
- B. Any employee who is absent from work for three consecutive days without properly notifying his/her supervisor shall be considered resigned without notice.

**6.2. Standards of Conduct**

Employees are expected to exercise good judgment and to conduct themselves professionally and courteously, as well as to behave in a manner that is conducive to the efficient operation of the City.

- 6.2.1. Employees are expected to refrain from conduct that that is offensive, undesirable or otherwise prohibited by City policy.
- A. Employees must render full and efficient service and safeguard the public's information.
  - B. Employees must always exercise courtesy and tact with each other and especially with members of the public.

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- C. Employees must conserve, properly use and protect the City's resources, whether funds, property, equipment or materials.
  - D. Employees must abide by Safety and Health rules, and while performing duties of the job, be aware of potential hazards to self or others so these hazards may be eliminated before accidents occur.
- 6.2.2. Employees are expected to comply with all policies, rules, regulations, Standard Operating Procedures, ordinances, codes and laws.
- 6.2.3. Prohibited conduct includes, but is certainly not limited to:
- A. Dispensing special favors or privileges to anyone or accepting favors which might be construed by a reasonable person as influencing the performance of City duties.
  - B. Making any private promises of any kind binding upon the duties of the position assigned.
  - C. Using any information received confidentially in the performance of City duties as a means for making private profits.
  - D. Engaging in criminal, dishonest, immoral or disgraceful conduct prejudicial to the City; conviction of a felony or other serious crime.
  - E. Using City facilities, property or personnel for other than officially approved activities.
  - F. Theft in any amount where public assets, or personal property of any other employee or member of the public was taken.
  - G. Misuse of public assets in amounts of \$1,000 over a 12 month period is not only grounds for immediate dismissal, but could be considered a class 4 felony resulting in criminal charges. (See Section 18.2-112.1 (B) of the Virginia Code. Also quoted in full in Discipline procedures section at Paragraph H.)
  - H. Threatening or assaulting a fellow employee or the public at work or when otherwise representing the City.
  - I. Falsifying any City record or report, whether oral or written. Examples include, but are not limited to, employment applications, time and attendance reports,

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- or other inquiries made by supervisors, Department Heads, or other senior management personnel.
- J. Violations of other sections of this manual, to include but not be limited to:
- Drug and Alcohol Policies and accompanying Procedures (Section 6.5 herein, and FTA Procedures in green pages following this Section 6)
  - Sexual Harassment Prevention (Section 6.7 herein)
  - Information Technology (Section 8 herein)

**6.3. Standards of Professional Appearance.**

Employees are expected to follow the dictates of good hygiene and cleanliness regarding their persons and their clothing. Further, all are expected to dress in a manner appropriate for the tasks they perform, and indicative of the fact that they work for the City. Management employees are expected to be dressed in a traditionally professional style whenever representing their departments before City Council or any other public forums, or when representing the City in any meetings with persons not in the City's employ. At other times, they, along with other office workers may dress in the style known as *business casual*. *Business casual* generally means that suit or sport jackets are optional, shirts without ties, and slacks or khaki pants for men; for women, it usually means coordinated shirts/blouses with skirts or slacks; However, denim jeans are generally discouraged as usual office attire, except on especially designated "casual days".

6.3.1. The following are some clothing styles popular as of the writing of this document that are prohibited for regular office attire:

- A. Flip-flop style sandals or athletic shoes
- B. Sweatpants
- C. Tank-tops, sweatshirts and/or tee shirts with slogans on them, except for those displaying the City seal.
- D. Low cut blouses / shirts that expose the chest or abdominal areas.

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- E. Trousers that are baggy, do not remain properly situated at the waist, and expose the wearer's undergarments.
  - F. Shorts; see paragraph 6.3.2 below.
  - G. Any clothing, jewelry or hairstyle that poses a safety hazard to the wearer.
- 6.3.2. Uniforms. Department heads may approve the use of a uniform pattern of attire for workers who perform the majority of their duties in the outdoors. These may include denim jeans or shorts, depending upon the work being done, however, in no case shall denim jeans or shorts be routine office attire. See also paragraph 6.4.4.

**6.4. Use of City Issued Equipment**

- 6.4.1. Telephones and Cellular Phones. These pieces of equipment are provided for the use of the employee in conducting City business, only. They are not for the personal use of the employee and may not be relied upon as such. Employees who use the City issued telephones for personal calls may be asked to reimburse the City for such use; if such use becomes excessive, disciplinary action may be taken against the employee. Please refer to the Information Technology Section for Policy on the use of Cellular Telephones.
- 6.4.2. Computer equipment. Use of City issued computer equipment is also for the conduct of official City business. Employees have no expectation of privacy with respect to the email system or files stored on the City's computer system. Please refer to the Information Systems and Technology section for more details. Violations of any Information Systems/Technology policy, whether contained in this publication or issued separately shall be considered violations of the City's standards of acceptable conduct, and will be adjudicated under the disciplinary procedures outlined in the green pages.
- 6.4.3. City Vehicles. City vehicles are similarly for the conduct of official City business and may not be used in personal pursuits,

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or for outside employment purposes. Employees will be required to possess and maintain a valid Virginia driver's license with an acceptable driving record. Please refer to the City's Motor Vehicle Policy for more details. Violations of the City's Motor Vehicle Policy shall be considered violations of the City's acceptable standards of conduct, and adjudicated under the disciplinary procedures outlined in the green pages.

- 6.4.4. City Issued Uniforms. Employees who are issued uniforms are expected to wear these and keep them in good repair. The issuing departments will have specific guidelines for the care and maintenance of uniforms. Failure to maintain uniforms in good repair, assuming normal wear and tear, will result in the employee being charged replacement costs, and may result in disciplinary action if the department head deems the damage to be willful.
- 6.4.5. Identification Badges. City Identification badges are to be carried or worn any time the employee is physically located in City Hall, any of the Court buildings or in the Police Department. If simply carried on one's person, these badges must be presented if asked by a member of law enforcement or other authorized official. If lost, these badges must immediately be replaced by notifying the issuing department or Human Resources.
- 6.4.6. Miscellaneous City equipment. All City issued equipment, uniforms, passwords, keys, weapons, etc., shall be returned to the City upon the separation of an employee from employment with the City. Issuance of the final pay to the employee may be delayed if any City equipment has not been returned or its monetary value paid to the City by the employee. The City will take the necessary action to recover this equipment or its monetary value if not voluntarily returned.
- 6.4.7. Misuse of City equipment for any reason or use of City equipment for other than City business is likely to result in disciplinary action, up to and including dismissal, according to the disciplinary procedures outlined in the green pages.
- 6.4.8. By act of the General Assembly in 2008, in section 18.2-112.1 of the Virginia Code, certain misuse of public assets could be



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classified as a class 4 felony. Sub-paragraph B of that section reads:

*"Any full time officer, agent, or employee of the Commonwealth, or of any city, town, county or any other political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any 12 month period, is guilty of a class 4 felony."*

It is important to note that not only could an employee be dismissed from City services for such acts, said employee may also be facing criminal charges for having done so.

#### **6.5. Drug and Alcohol Use / Abuse**

The City recognizes that alcoholism and drug dependency are illnesses for which there is effective treatment and rehabilitation. However, the City also recognizes the dangers of impairment due to their use in the workplace, and therefore seeks to maintain a drug and alcohol free workplace.

For purposes of the policy, "substances" will be taken to mean illegal drugs, as well as illegally obtained but otherwise legal controlled substances. This prohibition applies to any and all forms of drugs (including, but not limited to, narcotics, depressants, stimulants, or hallucinogens.) whose sale, purchase, transfer, use or possession is prohibited or restricted by law.

##### **6.5.1. Prohibited Conduct: Involuntary Indication of Dependency.**

- A. Arriving at work under the influence of alcohol or any substance, regardless of whether it is legally or illegally obtained, where one's ability to perform the essential duties of one's position is impaired will be considered to be a violation of this policy. Individuals whose physician directed use of medications renders them unable to perform the essential duties of their positions are directed to utilize sick leave while required to use said prescription medications.

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- B. The sale, purchase, transfer, use and/or possession of illegal substances as defined above by employees on City premises or while conducting City business is prohibited.
- C. Any employee discovered engaging in the activities defined in paragraph 6.5.1.B above shall be suspended immediately pending investigation, and is subject to further disciplinary action.
- D. Persons discovered to be under the influence of illegal or illegally obtained legal substances, or alcohol, while on duty are subject to disciplinary action, which may include direct referral to the Employee Assistance Program in lieu of dismissal. In such instances, cooperation and full participation in the program is a condition of continued employment with the City. Full participation may include being subject to random follow-up testing for a period of two (2) years after the initial program completion.
- E. Any employee who has been charged with any criminal drug violation must notify his/her supervisor and Department Head in writing no later than five calendar days after such charge occurs, or be subject to severe disciplinary action, up to and including dismissal if:
  - i. the incident occurred in the workplace, or
  - ii. if the charge has the result of impacting the validity of a driver's license where driving is an essential duty of the position held, regardless of when or where the incident leading to the charge took place, or
  - iii. if the employee is to be incarcerated and thus unable to report to work during the intervening period before trial will commence, or
  - iv. if the incident results in a conviction, particularly if the subsequent penalty requires incarceration that prevents

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the employee from performing his or her essential functions, or

- v. if a conviction was discovered on a newly hired employee whose continued employment was contingent upon receipt of satisfactory findings on a required Criminal Background check.
- vi. The Human Resources Department will conduct driving records checks on employees upon hiring and on an annual basis thereafter.

**6.5.2. Treatment for Voluntary Indication of Dependency.**

- A. Employees who suspect they may have a dependency problem with alcohol or other substances, even if it is in early stages, are encouraged to seek diagnosis and treatment through the guidance of qualified professionals in order to arrest the development of this problem at the earliest possible stage. The Employee Assistance Program is available for this purpose in addition to its other valuable services.
- B. No employee may be penalized for voluntarily seeking diagnosis and treatment for an alcohol or substance abuse problem as long as no work related accident or violation of policy has occurred.
- C. Except for referring employees to the Employee Assistance Program, or providing general, good common sense advice regarding not drinking and driving, etc., no supervisor or manager may attempt to provide psychological or treatment-related counsel to employees who may have a problem with alcohol or other substances; it is essential that employees in such matters be referred to expert medical and /or psychological professionals who are trained to handle such matters, such as the ones at the Employee Assistance Program.

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- D. Persons who complete a rehabilitative program will be required to meet existing job performance standards and established work rules.
- E. Persons requiring a leave of absence to deal with their substance abuse issues in a treatment session may apply for said leave of absence, and it shall be evaluated for approval on the same basis as any other health related leave of absence. Alcoholism and drug dependency are considered to be serious health conditions under the definitions of the Family and Medical Leave Act.

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**6.6. Ethics**

**6.6.1. Solicitations**

- A. Unrestricted solicitation on City premises interferes with normal operations, is detrimental to discipline and efficiency on the part of employees, is annoying to others and may pose a threat to security. The City prohibits solicitation on its premises, whether by employees or by individuals or groups not associated with the City, except in circumstances outlined below:
  - i. Certain recognized charities are permitted to solicit contributions on City premises during specified times of the year. Except by prior written approval of the City Manager, all other solicitations of funds or signatures, eligible membership drives, distribution of literature or gifts, and offers for sale of merchandise or tickets by individuals or groups not associated with the City are prohibited.
  - ii. Solicitations for gifts or expressions of sympathy to fellow employees or their families may be permitted with prior approval of the Department Head.
- B. The Director of Human Resources, together with the Assistant City Manager, will ensure that all solicitations and distributions authorized under this policy are conducted so as to not interfere with the duties of employees, the security of the City premises, or the rights of our citizens.
- C. This prohibition shall apply also to the posting of flyers on bulletin boards or transmission through the email system.

**6.6.2. Receipt of Gifts**

- A. For purposes of this policy, **nominal value is interpreted to be \$25 or less**; and received on an occasional, infrequent basis.

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- B. Employees are not permitted to accept any gift of more than nominal value from persons or groups with whom they do business, or with whom the City may be contemplating a contractual relationship, if such gift could be construed to be a bribe, an attempt to gain favorable recommendations from the employee regarding their relationship with the City when said employee's routine job duties involve making such recommendations.
- C. Vendors frequently send gifts of nominal value during the holiday season. Whenever possible, these gifts should be shared with the department receiving them. **Gifts of more than nominal value must be returned.**

**6.6.3. Provisions of the Virginia State and Local Government Conflict of Interest Act.**

Employees are required to comply with the Virginia State and Local Government Conflict of Interest Act. However, the City expects a higher level of ethical conduct by its employees than that required by law. City employees shall avoid even the appearance of impropriety by refraining from behavior that, while not illegal, would be likely to raise questions in the minds of the public that an actual conflict of interest exists.

- A. As this policy document cannot anticipate all the situations that would constitute a conflict of interest, employees having questions regarding situations that might be deemed illegal or inappropriate under the Act's provisions may consult their department supervisory staff who, in turn, will consult either the Commonwealth's Attorney or the City Attorney. Questions involving City Policy contained herein are to be directed to the Director of Human Resources.
- B. The following are examples of situations that will be considered violations of City policy, if not the Act itself:
  - i. Interaction between Employees and City Council. No employee may initiate contact or consult directly with a City Council member regarding any of the following items

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for which there are other established administrative procedures:

- a. Employee's own job assignment.
  - b. Employee's own grade or salary level.
  - c. Employee's own performance evaluation.
  - d. Disciplinary actions taken against said employee.
- ii. This does not prohibit employees from dealing with City Council members as private citizens regarding civic matters or issues that are unrelated to their personal employment with the City.
- C. The Charter section of the City Code of Ordinances establishes and assigns the responsibility for the control of personnel and administrative matters concerning employees to the City Manager. Members of the City Council are prohibited from interfering with the City Manager and his/her subordinates. To wit:
- i. Interference with manager and subordinates by Council and Councilmen.*

*Neither the Council nor any of its eligible members shall dictate the appointment of any person to office or employment by the City Manager, or, in any manner interfere with the City Manager or prevent him from exercising his own judgment in the appointment of its officers or employees in the administrative service. Except for the purpose of inquiry, the Council and its eligible members shall deal with the administrative service solely through the City Manager and neither the Council nor any eligible member thereof shall give orders to, or interfere with, any of the subordinates of the City Manager, either publicly or privately. (Fredericksburg Code of Ordinances, Part I, Subsection A, Charter; Chapter II, Section 9)*

- D. Outside Employment. No employee may undertake full-time, part-time or temporary employment that would cause a conflict of interest involving the City.

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- i. No employee may represent the City in transactions involving a business with which the employee or a member of his/her family has significant financial interest, with "significant" being defined as sufficient to create in the mind of a reasonable person the appearance of impropriety.
- ii. No employee will directly or indirectly give, offer, or promise anything of more than nominal value to any representative of any financial institution in connection with any transaction or business that the City may have with such financial institution.
- iii. No employee may use for his/her personal economic benefit, or that of any other party, confidential information that has been obtained through his/her public position.
- iv. No employee may supervise, or have any influence upon decisions regarding employment or salary for any member of his or her immediate family, or anyone with whom he or she has a significant personal relationship. Significant personal relationship has been defined for purposes of this policy to include not only family members, but also persons the employee dates, with whom the employee co-habitates, or with whom the employee is involved in a sexual or romantic relationship, no matter how brief.

**6.6.4. Community Affairs and Political Activity**

- A. Community Affairs. Time spent in community activities shall be outside the employee's working hours and will not be considered hours worked for pay purposes. However, time spent in work for charitable, public or similar purposes at the City's request or under its direction or control will be considered hours worked for pay purposes. Voluntary employee participation in community affairs that may involve an extended period away from the job will be handled in accordance with policies contained in the



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sections involving Leave (Section 3-5, Benefits, subparagraph b)

- i. Political Activity. City employees have traditionally stayed out of local elections to avoid the appearance of bias.
  - a. No City employee will be deprived of the right to vote, to express opinions or to join in any political organization; provided, however, that nothing in this section will prohibit any appointing authority from determining whether an employee's political activity interferes with such employee's job performance.
  - b. No officer or employee of the City will solicit or attempt to solicit or induce another to solicit any contribution or donation of anything of value, or to give any endorsement on behalf of any other employee in the City service in connection with any political campaign or political organization.
  - c. No officer or employee of the City will use, or permit to be used, anything, including vehicles or any other property owned by the City, including the City Seal or Coat of Arms, on behalf of or for the benefit of, any political organization or candidate for public office.
  - d. Any employee in the City service who accepts an appointment to or becomes a candidate for election to any federal, state or local public office will resign his/her position unless, prior to accepting the appointment or becoming a candidate, the officer or employee obtains BOTH of the following:
    - An advisory opinion from the Commonwealth's Attorney stating that his/her off duty candidacy or acceptance of the appointment and continued status as a City Officer or employee would not constitute a violation of the State and Local Government Conflict of Interest Act.

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- An opinion from the officer or employee's Department Head that states that the employee's off-duty candidacy or acceptance of the appointment will not have an adverse impact on the employee's performance of City duties and that such off-duty candidacy or appointment will not have an adverse impact on the ability of the employee's co-workers to perform their public duties. Before rendering such opinion, the Department Head will confer with the employee's immediate supervisors and obtain the approval of the City Manager.
- e. Any City officer or employee who desires to become a candidate for public office but is unable to obtain the opinions described above may be permitted, at the discretion of the City Manager, to be absent from his/her duties by being placed on leave without pay during the period of such candidacy. Any City officer or employee who is elected or appointed to a public office as described herein and is unable to obtain the opinions described above will resign his/her City position before assuming office.
- f. As stated in Chapter II of the Charter of the Code of Fredericksburg, City employees are prohibited from holding office as an eligible member of City Council or Mayor.
- g. No person elected to the Council or the Mayor, whether he qualifies or not, shall, during the term for which he was elected or twelve (12) months after the expiration of that time, be elected by the Council or appointed by the City Manager to any position or office of trust or profit of the City.(Code of Ordinances, Part I, Subsection A, Ch II, Section 10)
- h. Except as specified above, nothing in this section will limit the right of any City officer or employee

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to take part in the management of any political party or other group which sponsors candidates for election to local, state or national public office, provided that such activity is not conducted during the employee's working hours or at the employee's place or work; or to limit any officer's or employee's right as a citizen to express his/her opinion or to vote.

- i. No City funds shall be used to make contributions or in expenditures in connection with the election to any political office or in connection with any primary election or political convention or caucus held to select candidates for any political office.

**6.6.5. Personal Finances**

All employees are expected to discharge their financial obligations so that creditors will not ask for the City's assistance in collecting amounts owed to them. Employees must understand that the City cannot provide personal accounting services; each employee is responsible for his or her own financial matters.

- A. Employees who are experiencing financial difficulties may wish to seek the services of the Employee Assistance Program (EAP).
- B. Employees are encouraged to work with creditors to determine a payment plan that will ensure payment to the creditors without involving the City's Human Resources and Payroll staffs.
- C. Whenever the City is served with a writ of garnishment or attachment, a notice of levy by the Internal Revenue Service, a Notice of Tax Lien by another locality, or similar notices from other taxing authorities, requiring that payment of some or all of an employee's compensation to someone other than the employee, it shall be referred immediately to the Payroll division of Fiscal Affairs, with a copy coming to Human Resources. Failure to act promptly on these may render the City liable. Employees must

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understand that in these matters, the City cannot refuse to comply or make other arrangements. These are obligations of the employees to settle.

- D. In the event that garnishment or similar proceedings are instituted against an employee, the City will deduct the required amount from the employee's paycheck, and will only deduct those amounts that are permitted under the law. These amounts may include charging the employee an administrative fee, if as many as two such documents have been received by the City within a twelve (12) month period.
- E. Compliance with these writs and garnishments and similar orders impose administrative and financial burdens on the City. Additionally, the failure of an employee to meet his/her financial obligations may reflect unfavorably on the City and frequently has adverse impacts on the employee's job performance.
- F. Disciplinary action may be instituted upon receipt of the third garnishment.
- G. Other Considerations Regarding Outside Employment  
(see also Section 6.6.4 above)

The City recognizes the rights of employees to spend off duty time as they wish, however, it does require that those activities be such that they do not adversely impact the employee's job performance or compromise the City's interests. One of these activities is the holding of second jobs.

- i. Employees are cautioned to consider carefully the demands that such employment will create. Outside employment is not an excuse for poor performance, absenteeism, tardiness, refusal to travel, or refusal to work overtime or different hours, as the City requires. Should the outside employment cause or contribute to any problems with the City employment of an individual, such outside employment must be

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discontinued. If necessary, disciplinary procedures will be instituted, up to and including, dismissal.

- a. Under no circumstances may employees conduct business other than that of the City on City premises, on City time or utilizing City equipment.
- b. Employees may not accept outside employment that:
  - Reduces employee's efficiency in working for the City;
  - Involves working for an organization that does a significant amount of business with the City, such as major contractors, suppliers, etc.
  - May adversely affect the City's image; or
  - May create an overtime situation under the provisions of the Fair Labor Standards Act.
- ii. All employees are expressly prohibited from engaging in any activity that compromises the City's interests. This prohibition includes performing services for citizens on non-working time that is normally performed by City personnel, the unauthorized use of any City tools or equipment, and the unauthorized use or application of any confidential information acquired as a City employee.
  - a. Employees are not to conduct outside business during paid working time or utilizing City equipment.
  - b. Supervisors and Department Heads are to be especially watchful that injuries sustained by employees on outside employment do not result in workers' compensation claims under the City's workers' compensation coverage.

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### **6.7. Prevention of Sexual Harassment**

It is the City's policy to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. This policy defines and prohibits conduct that could constitute sexual harassment, and provides a process for receiving and resolving sexual harassment complaints.

- 6.7.1. *No Nepotism.* No employee may supervise or otherwise have access, control or influence over work activities or salary matters for persons with whom he or she has a significant relationship. For purposes of the Human Resources Policies (the "Plan"), "significant relationship" is defined as a parent, child, spouse, sibling, co-habiting sexual partner, or anyone else whom the employee dates, or with whom the employee has an amorous relationship. The terms "co-habiting," "dates," and "amorous" fall within this prohibition no matter how brief in time the relationship exists or existed.
- 6.7.2. This policy applies to all City employees at all City locations.
- 6.7.3. SEXUAL HARASSMENT WILL NOT BE TOLERATED IN THE FREDERICKSBURG CITY GOVERNMENT. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 ("Title VII") and may also violate other federal and State of Virginia laws. It also violates the City's Plan. However, conduct which violates the Plan does not necessarily have to violate other laws and may be less offensive than the conduct necessary to violate other laws such as Title VII. Harassment, including sexual harassment, is contrary to basic standards of conduct between individuals and is prohibited. It will therefore constitute a violation of City policy for any employee to engage in any of the acts or behavior defined herein.
- 6.7.4. Making employment decisions based on sexual favoritism or on the receipt or rejection of sexual favors is prohibited. Likewise, retaliating or discriminating against an employee for rejecting sexual advances and/or complaining about sexual harassment is also prohibited. Any action of a sexual nature which creates a hostile working environment is also prohibited. Any such misconduct will subject an employee to corrective action and/or appropriate disciplinary sanctions ranging from written reprimand and warning up to and including dismissal.

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More serious offenses may result in immediate severance of the employment relationship, even if it is the harasser's first offense. The department head, supervisor or City Manager is not required to utilize progressive discipline when disciplining an employee who commits a serious offense of a sexual nature in the City work place.

- 6.7.5. Employees who feel they have been discriminated against on the basis of gender, or harassed in any manner, including sexual, should immediately report such incidents following the procedures incorporated herein by reference without fear of reprisal.
- 6.7.6. Both men and women can be sexually harassed, and other employees can be affected by conduct that is not necessarily directed to them. Therefore, it shall be the duty of all employees, supervisors and department heads to promptly report any incidents of sexual harassment to (1) their immediate supervisor, (2) the Human Resources Director, and (3) the City Manager, excepting any of them alleged to be a harasser.
- 6.7.7. The City recognizes that the issue of whether sexual harassment has occurred requires a factual determination based on all the evidence received. The City also recognizes that false accusations of sexual harassment can have serious effects on innocent men and women. Therefore, ALL complaints will be investigated promptly. Confidentiality will be maintained to the extent permitted by the circumstances and consistent with this policy.

A. Definitions.

- i. Unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature constitute sexual harassment when:
  - a. Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment.
  - b. Submission to or rejection of such conduct is used as a basis for employment decisions affecting such individuals.

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- c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- 6.7.8. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. Sexual harassment refers to sexual behavior that is not welcome and is personally offensive. It may lower morale and interfere with work effectiveness.
- 6.7.9. Prohibited Conduct.
- A. Employees shall not sexually harass other employees. No employee may supervise or be in the chain of command or supervision of another employee whom he or she dates or with whom he or she has or had an amorous relationship, however brief.
  - B. The following examples of conduct may or may not constitute sexual harassment under Title VII of the Civil Rights Act of 1964 depending upon the circumstances under which they occur, but are examples of statements or conduct which are inappropriate and constitute misconduct under the Human Resources Policies, for which appropriate disciplinary action will be taken. They do not represent all forms in which misconduct under this policy or sexual harassment may occur.
    - i. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors, such preferences including, but not limited to, hiring, promotion, training, and other opportunities or benefits, acceptance of a lower standard of performance, providing higher performance evaluations, and lax time-keeping, when similarly qualified persons are not afforded such benefits or opportunities.
    - ii. Explicit or implicit threats that an employee's job will be adversely affected if sexual demands are rejected, including, but not limited to, lower evaluations, denial of promotions or other employment opportunities,



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punitive transfers, terminations, and altered or increased work assignments.

- iii. Denial of employment opportunities or otherwise adversely affecting a person's employment as set forth in subsection b above, based on rejection of sexual attention or demands.
- iv. Deliberate, repeated or unsolicited verbal comments and gestures of a sexual nature. This includes any type of sexually suggestive remarks, drawings, paintings, photographs or other depictions, transmissions or jokes.
- v. Deliberate, unwanted, repeated, and unsolicited touching of any kind, including the touching, patting, kissing or pinching of another person and the repeated brushing against another person's body.
- vi. Propositions of a sexual nature; continued or repeated verbal comments of a sexual nature; degrading, abusive or sexually suggestive comments about an employee's appearance; whistling or catcalling of a sexual nature; and the display of sexually suggestive objects or paintings, drawings, photographs or electronic transmissions.
- vii. Using coercive sexual behavior to control or affect the career, salary, performance, or performance review of another employee.
- viii. Unreasonably interfering with work performance or creating an otherwise offensive working environment.
- ix. Demeaning, aggressive, intimidating or rude behavior which is gender-based and which creates a hostile work environment.
- x. Coercing sexual intercourse or assault.
- xi. Using disparaging, demeaning or sexist terms to refer to employees.

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xii. Indecent exposure.

xiii. Public displays of romantic or sexual affection, even consensual, including but not limited to, kissing, full hugs, touching, patting, wrestling, tussling or otherwise flirting during business hours or on City property, which are offensive or uncomfortable for other employees, supervisors or members of the public.

6.7.10. Any employee who uses implicit or explicit sexual behavior to control, influence, or affect the employment of an employee is engaging in sexual harassment. Any employee who makes deliberate and/or repeated offensive verbal comments or gestures, or who engages in physical contact of a sexual nature which is unwelcome in the workplace is also guilty of sexual harassment.

6.7.11. Roles and Responsibilities.

A. A supervisor has the responsibility to:

- i. Ensure that no employee under his or her supervision is subjected to sexual harassment, or actions which could be perceived as sexual harassment as defined above, as a result of their own actions, those of other employees, or those of third parties such as customers or contractors.
- ii. Provide a working environment which is free of harassment and/or intimidation.
- iii. Promptly report to the City Manager, Director of Human Resources, or other designee, any observed behavior that violates this policy.
- iv. Make all employees aware that false accusations will result in severe disciplinary action, up to and including separation from employment.

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- v. Circulate this policy and distribute complaint procedures when received by HR to all employees.

6.7.12. The Human Resources Department will ensure that a Sexual Harassment in the Workplace policy statement is posted throughout the City office buildings, and that procedures for filing a complaint of harassment are distributed to all employees.

6.7.13. All employees are expected to conduct themselves in a manner that will ensure proper performance of City business and maintenance of public trust and confidence.

6.7.14. Those who have been adversely impacted by sexual harassment have a responsibility to make it clear to the harasser, directly or through the complaint process, that such behavior is offensive and to provide notice of the harassment in a timely manner as outlined in the procedures document.

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**7. Grievances**

*Amended August 4, 2011*

**7. GRIEVANCES**

It is the policy of the City of Fredericksburg to provide fair, equitable, and satisfactory working arrangements for its employees. Every effort will be made to resolve employee grievances informally with the least amount of worry and delay. However, in some cases, it becomes necessary to proceed through a formal appeal and panel review to handle thoroughly a given grievance. Accordingly, the following procedures and regulations are established for all City employees covered under the Human Resources Policies, except those exempted herein. **(See also Grievance Procedures in green pages to follow in this section.)**

**7.1.** Definition of a Grievance. A grievance shall be a complaint or dispute of an employee relating to employment including but not necessarily limited to:

- 7.1.1. disciplinary actions, including dismissals, disciplinary demotions, and suspensions, provided that dismissals shall be grievable whenever resulting from formal discipline or unsatisfactory job performance.
- 7.1.2. the application of personnel policies, procedures, rules and regulations, and ordinances and statutes;
- 7.1.3. Acts of retaliation as the result of the use of or the participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported any violation of such law to a governmental authority, has sought any change in law before the Congress of the United States or the General Assembly, or has reported an incident of fraud, abuse, or gross mismanagement;
- 7.1.4. complaints of discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or gender.

**7.2.** Situations not eligible for Grievance Process. City of Fredericksburg government reserves the exclusive right to manage the affairs and operations of City government. Accordingly, the following complaints are not grievable under this procedure:

- 7.2.1. establishment and revision of wages or salaries, position classification and/or general benefits;

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**7. Grievances**

*Amended August 4, 2011*

- 7.2.2. work activity accepted by the employee as a condition of employment or work activity which may reasonably be expected to be a part of the job content (the measurement and assessment of work activity through a performance evaluation shall not be grievable except where the employee can show that the evaluation was arbitrary or capricious);
  - 7.2.3. the contents of personnel policies, procedures, rules and regulations, and ordinances and statutes;
  - 7.2.4. failure to promote (except where the employee can show established promotional policies or procedures were not followed or applied fairly);
  - 7.2.5. the methods, means and personnel by which work activities are to be carried on;
  - 7.2.6. termination, lay-off, demotion or suspension from duties because of lack of work, reduction in the work force or job abolition, except where such action affects an employee who has been reinstated by a grievance panel in the last six (6) months. Provided, however, in any grievance brought under the exception described in this paragraph, the action shall be upheld upon a showing that the City had a valid business reason for the action and notified the employee in writing prior to the effective date of the action;
  - 7.2.7. the hiring, promotion, transfer, assignment and retention of employees within the City government (provided such actions do not constitute disciplinary actions);
  - 7.2.8. the relief of employees from duties of the City government in emergencies.
  - 7.2.9. Verbal reprimand or counseling, even if a written record is kept.
- 7.3.** Time Frames. Time frames for any of the steps of the grievance process may be extended by mutual agreement of the City and the grievant.

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**7. Grievances**

*Amended August 4, 2011*

**7.4. Determination if Matter is Eligible for Grievance Process**

If some question should exist concerning the grievability of a specific problem and if the question cannot be resolved to the satisfaction of both the employee and his supervisor at the departmental level, the employee, supervisor and/or department head may make a written request to the City Manager for a ruling on grievability. Thereafter, the City Manager, or his designee, will make a ruling of grievability within five (5) work days, said decision to be published on the Determination of Grievability Form, so that all parties are in receipt of it on or before the fifth (5<sup>th</sup>) work day. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to the panel hearing.

Decisions of the City Manager on the issues of grievability may be appealed to the City of Fredericksburg Circuit Court for a hearing *de novo* on the issue of grievability. Proceedings for the review of the decision of the City Manager shall be instituted by filing a notice of appeal with the City Manager within ten (10) calendar days after the date of receipt of the decision, giving a copy to all parties involved, so that the City Manager is in receipt of the appeal on or before the tenth (10<sup>th</sup>) calendar day after the date of receipt by the grievant of the City Manager's decision. Within ten (10) calendar days thereafter, the City Manager shall transmit to the Clerk of the Court to which the appeal is taken, a copy of the decision of the City Manager, a copy of the notice of appeal, and the exhibits. A list of the evidence furnished the court shall also be furnished to the grievant. The failure of the City Manager, or his designee, to transmit the record within the time allowed shall not prejudice the rights of the grievant. The Court, on motion of the grievant, may issue a writ of certiorari requiring the City Manager to transmit the record on or before a certain date. Within thirty (30) calendar days of receipt by the Clerk of such records, the Court, sitting without a jury, shall hear the appeal on the record transmitted by the City Manager and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The Court, in its discretion, may receive such other evidence as the ends of justice require. The Court may affirm the decisions of the City Manager or may reverse or modify the decision. The decision of the Court shall be rendered no later than the fifteenth (15<sup>th</sup>) calendar day from the date of the conclusion of the hearing. The decision of the Court is final and not subject to appeal by either party.

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**7. Grievances**

*Amended August 4, 2011*

In any case, no complaint may be addressed beyond the top management level before grievability has been determined. Only after grievability has been determined shall a grievance be processed through the grievance panel state.

**7.5. Coverage of Personnel.**

Unless otherwise provided by law, all non-probationary local government regular full-time and part-time employees are eligible to file grievances, except the following:

- 7.5.1. Appointees of City Council, elected groups or individuals;
- 7.5.2. Officials and employees who by charter or other law serve at the will and pleasure of an appointing authority;
- 7.5.3. Deputies and executive assistants to the City Manager or other chief administrative officer;
- 7.5.4. Department heads or directors;
- 7.5.5. Employees whose terms of employment are limited by law;
- 7.5.6. Temporary, limited term and seasonal employees;
- 7.5.7. Law enforcement officers as defined by of Chapter 5 of Title 9.1 of the *Code of Virginia* whose grievance is subject to the provisions of that chapter, and who have elected to proceed pursuant to those provisions in the resolution of their grievance, or any other employee electing to proceed pursuant to any other existing procedure in the resolution of his grievance;

These excepted categories may be amended so as to include any or all excepted positions, at the pleasure of the Council. In that event, the City Manager or his designee shall be responsible for maintaining an up-to-date list of affected positions.

Procedures for filing a Grievance are found in the Procedures Manual, printed on green paper. Necessary forms will be maintained by the Human Resources Department.

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*Adopted as part of HR Policies September 12, 2008*

**8. INFORMATION SYSTEMS AND TECHNOLOGY POLICIES**

**8.1. Acquisition and Use of Information Systems**

The purpose of this policy is to further explain the Workplace Behavior and Demeanor Section (Section 3-6 herein) with respect to information system acquisition and use. Employees are required to exercise good judgment and conduct when it comes to safeguarding public information and conserving, properly using, and protecting City funds, property, equipment and materials.

**8.1.1 Responsibilities of Users**

This policy is designed to enable employees to clearly understand their responsibilities as users of Fredericksburg's network and computers. This policy follows industry standard protocols for implementation of technology.

**8.1.2. Software** All software shall be purchased and installed through the Information Systems Department or its designee. This is to ensure consistency and appropriateness of each purchase for the entire life cycle of the product. Information Systems shall maintain a list of approved software applications installed in various City offices. Only software applications on the approved list will be supported. Computers found with unauthorized software will not be supported or maintained until the software is removed. Specific needs for other software unique to a City department shall require review and approval by Information Systems prior to purchase.

**8.1.3. Hardware** All IT-related equipment and also network dependent devices (ex., fax machines, copiers, scanners) must be purchased and installed through Information Systems or its designee, to ensure consistency and appropriateness of each purchase, and to ensure the appropriate level of support and maintenance is available as needed. Specific needs for hardware unique to a City department shall require review and approval by Information Systems



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prior to purchase.

8.1.4. Personal Computers/Laptops/Monitors The City standardizes the purchase and installation of all personal computers. It is the Information Systems Department policy to purchase the latest technology available at a reasonable cost. Equipment is to be purchased, installed and maintained by Information Systems through the life cycle of the equipment. The City currently supports a yearly replacement schedule of approximately 25% of its desktop computer installations. Information Systems shall install new equipment where deemed appropriate, with no computer remaining in production older than five years.

8.1.5. Printers The City standardizes the purchase and installation of printers for the majority of PC applications, based on user requirements and application specifications. It is the policy of the Information Systems Department to install networked printers to ensure maximum use among multiple users. Individual desktop printers are installed in specific instances only. Printers are included in the replacement schedule.

8.1.6. PDAs/Cameras/Removable Storage and other Miscellaneous Equipment The use of removable media for other than in-house archiving and/or data backup will be kept to an absolute minimum and then only used for City related business. Information removed from the City's infrastructure should be encrypted with a strong encryption algorithm. Flash drives, CDROMs, DVDs, floppies and PDAs fall under the encryption portion of this policy.

8.1.7. Removable media from external sources will not be introduced or re-introduced into any City owned or City network connected device without first being processed and approved by Information Systems or its designee. At a minimum, external media will be

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scanned by Information Systems or its designee for malware (viruses, Trojan, Worms) prior to any use.

**8.1.8. Inappropriate Actions**

The following list is provided to offer each user guidance on inappropriate use of City computer equipment and peripherals. This list is not intended to be all inclusive.

- A. Abusing or misusing the hardware and software
- B. Breaking in or attempting to break into computer systems.
- C. Deliberately attempting to disrupt the network
- D. Creating or sharing, with malice, computer viruses
- E. The use of internet bandwidth for playing music or video not related to City business
- F. Modifying or removing files or programs belonging to other users of the City.
- G. Sending or receiving inappropriate material through the network that is offensive, threatening, and/or obscene.
- H. More than limited incidental sending or receiving of material through the network that is not related to City business.
- I. Downloading, copying or storing of any software, utility programs, games and hidden files with the use of City-owned computers.
- J. Installing software not authorized and/or purchased by the Information Systems Department or its designee
- K. Any activity that violates software copyright

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agreements

L. Conducting illegal activities

8.1.9. NOTICE TO USERS:

The following statement has been prepared by the City Attorney for placement on every computer owned by the City, and presented to the user each time the computer is booted:

***WARNING***

*The device you are activating is the property of the City of Fredericksburg, Virginia. City policy permits your use of this device for business purposes, and tolerates limited, incidental personal use. To enforce this policy and to avoid abuse of the privilege of using this device, City of Fredericksburg filters and monitors the use of this device electronically. Any misuse of this device or abuse of this privilege may result in severe consequences, up to and including termination of employment. Please consider this warning carefully before you proceed with any use of this device. Thank you.*

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**8.2. PASSWORDS**

The purpose of this policy is to explain the Standards of Conduct (Section VI, b herein) with respect to passwords for system security.

8.2.1. Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password may result in the compromise of City of Fredericksburg Government's entire corporate network. As such, all City of Fredericksburg Government employees (including contractors and vendors with access to City of Fredericksburg Government systems) are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords. This policy establishes a standard for creating strong passwords, the protection of those passwords, and the frequency with which they are to be changed.

8.2.2. The scope of this policy includes all personnel who have or are responsible for an account (or any form of access that supports or requires a password) on any system that resides at any City of Fredericksburg Government facility, has access to the City of Fredericksburg Government network, or stores any non-public City of Fredericksburg information.

8.2.3. Passwords are used for various purposes. Some of the more common uses include: user level accounts, web accounts, email accounts, screen saver protection, voicemail password, and local router logins. Since very few systems have support for one-time tokens (i.e., dynamic passwords which are only used once), everyone should be aware of how to select strong passwords.

- A. All system-level passwords (e.g., root, enable, admin, application administration accounts, etc.) must be changed on a regular basis
- B. All production system-level passwords must be kept secured off-site.

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- C. All user-level passwords (e.g., email, web, desktop computer, etc.) must be changed at least every four (4) months.
- D. User accounts that have system-level privileges granted through group memberships or programs such as "sudo" must have a unique password from all other accounts held by that user.
- E. Passwords must not be inserted into email messages or other forms of electronic communication.
- F. All user-level and system-level passwords must conform to the guidelines described herein.
- G. Poor, weak passwords have the following characteristics:
  - i. The password contains less than eight (8) characters
  - ii. The password is a word found in a dictionary (English or foreign)
  - iii. The password is a common usage word, such as
    - a. Names of family, pets, friends, co-workers, fantasy characters, etc.
    - b. Computer terms and names, commands, sites, companies, hardware, software.
    - c. The words "City of Fredericksburg Government", "fred", "city", or any derivation
    - d. Birthdays and other personal information such as addresses and phone numbers
    - e. Word or number patterns like aaabbb, qwerty, zyxwvuts, 123321, etc.

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- f. Any of the above spelled backwards
- g. Any of the above preceded or followed by a digit (e.g., secret1, 1secret)

H. Strong passwords have the following characteristics:

- i. Contain both upper and lower case characters (e.g., a-z, A-Z)
- ii. Have digits and punctuation characters as well as letters (e.g., 0-9, !@#\$%^&\*()+=\{}[]";'<>.,/)
- iii. Are at least eight alphanumeric characters long
- iv. Are not a word in any language, slang, dialect, jargon, etc
- v. Are not based on personal information, names of family, etc.
- vi. Passwords should never be written down or stored on-line. Try to create passwords that can be easily remembered. One way to do this is to create a password based on a song title, affirmation or other phrase. For example, the phrase might be "This May Be One Way To Remember" and the password could be "TmB1w2R!" or Tmb1W>r~" or some other variation.

8.2.4. NOTE: None of these examples may be used as passwords!

A. Password Protection Standards The same password for City of Fredericksburg Government accounts may not be used for other non-City of Fredericksburg Government access. (e.g., personal ISP account, option trading, benefits, etc.)

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B. City of Fredericksburg Government passwords may not be shared with anyone, including administrative assistants or secretaries. All passwords are to be treated as sensitive, confidential City of Fredericksburg Government information.

C. Prohibited activities:

- a. Revealing a password over the phone to ANYONE
- b. Revealing a password in an email message
- c. Revealing a password to the boss
- d. Talking about a password in front of others
- e. Hinting at the format of a password (e.g., "my family name")
- f. Revealing a password in questionnaires or security forms
- g. Sharing a password with family members.
- h. Revealing a password to co-workers (even while on vacation)

8.2.5. Anyone within the City of Fredericksburg Government who demands that a password be revealed shall be considered to have violated this document and could be subject to disciplinary action.

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### **8.3. Internet Acceptable Use Policy**

#### **Purpose.**

The purpose of this policy is to explain the Rules of Conduct (**See Section 6 herein**) with respect to internet usage.

8.3.1. Effective performance of computer and telecommunications networks, whether local or global, relies upon users adhering to established standards of proper conduct. The goals of this policy are to outline appropriate and inappropriate use of City of Fredericksburg's Internet resources, including the use of browsers, instant messaging, file uploads and downloads, as well as voice communications. In general, this policy requires appropriate, effective, ethical and legal utilization of network resources. Use of these services is subject to conditions outlined herein.

#### **8.3.2. Individual Accounts**

A. Internet access at City of Fredericksburg is controlled through individual accounts and passwords. Department heads are responsible for defining appropriate Internet access levels for the employees in their charge, and for conveying the information to the network administrator.

8.3.3. Each user of the City of Fredericksburg system is required to read this Internet policy and sign an Internet use agreement prior to receiving an Internet access account and password.



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**8.3.4. Appropriate Use.**

- A. Individuals at City of Fredericksburg are encouraged to use the Internet to further the goals and objectives of the City of Fredericksburg. This policy allows the following types of activities:
- B. Communication with fellow employees, business partners of City of Fredericksburg, and clients within the context of an individual's assigned responsibilities;
- C. Acquiring or sharing information necessary or related to the performance of an individual's assigned responsibilities;
- D. Participating in educational or professional development activities.
- E. Downloading information from the Internet in pursuit of work-related tasks. (To prevent computer viruses from being transmitted through the system, all downloaded information must be run through a virus scanner.)
- F. Using personally owned computer equipment with wireless or Air Card internet access provided such use adheres to the guidelines herein. Any use of computer equipment on City property shall be governed by this policy and the policies of the City of Fredericksburg.

**8.3.5. Inappropriate Use.**

- A. A user's personal Internet use shall not interfere with the productive use of the Internet resources, by the user him/herself or others. Users shall not violate the network policies of any network accessed through their accounts. Internet use at City of Fredericksburg shall comply with all federal and state laws, all City of Fredericksburg local

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ordinances and policies, as well as all City contracts. Inappropriate use includes, but is not necessarily limited to the following:

- B. The Internet shall not be used for illegal or unlawful purposes, including, but not limited to, copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, discrimination, intimidation, forgery, impersonation, identity theft, gambling, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading computer viruses).
- C. The Internet may not be used in any way that violates City of Fredericksburg 's policies, rules or administrative orders. Use of the Internet in a manner that is not consistent with the mission of the City of Fredericksburg, misrepresents the City, or violates any City of Fredericksburg policy is prohibited.
- D. Personal use of the City's Internet resources shall be limited. The City allows limited personal use for communication with family and friends, independent learning and public service.
- E. The City prohibits use for mass unsolicited mailings, access for non-employees of the City resources or network facilities, uploading and downloading of programs, access to pornographic sites, personal relationship sites, gaming, political campaigns, endorsements, opinions or any other political activity where citizens at large vote, solicitation of funds for commercial, personal, religious, or charitable causes not sponsored by the City, competitive commercial activity or for profit activities unless pre-approved by the City, and the dissemination of chain letters.
- F. Individuals may not designate the City computers as participants in any peer-to-peer network, unless approved by the Information

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- Technology Department or its designee.
- G. Individuals may not view, copy, alter or destroy data, software, documentation, or data communications belonging to the City or to another individual without specific authorization and/or permission.
  - H. In the interest of maintaining network performance, users shall not send large (over 2MB) electronic mail attachments or video files unless specifically needed for business purposes.
  - I. Individuals shall not use voice communication over the Internet unless specifically authorized by the Information Technology Department or its designee.

**8.3.6. Security**

For security purposes, users may not share account or password information with another person. Internet accounts are to be used only by the assigned user of the account for authorized purposes. Attempting to obtain another user's account password is strictly prohibited. A user must contact the Information Technology Department help desk or its designee to obtain a password reset if he or she has reason to believe that any unauthorized person has learned his/her password. Users must take all necessary precautions to prevent unauthorized access to Internet services.

**8.3.7. Failure to Comply**

- A. Users and their department heads are jointly responsible for understanding the terms of this agreement and monitoring the continued applicability of this resources to the user's assigned duties and responsibilities.

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- B. Violations of this policy will be treated as any other allegation of wrongdoing at the City. Allegations of misconduct shall be adjudicated according to the established policies and procedures contained in Section 6 of this publication. **(See Section 6: Workplace Behavior and Demeanor, and the accompanying Discipline Procedure under tab 6 herein)** Sanctions for inappropriate use of the Internet may include, but are not limited to, one or more of the following:
  - C. Temporary or permanent revocation of access to some or all computing and network resources and facilities;
  - D. Disciplinary action according to applicable City policies; and/or
  - E. Legal action according to applicable laws and/or contractual agreements.

**8.3.8. Monitoring and Filtering.**

- A. Employees are given computers and Internet access to assist them in the performance of their jobs. Employees shall have no expectation of privacy as to anything they create, store, send, receive or access using the City's computer equipment. The computer network is the property of the City of Fredericksburg, and may be used only for the City's purposes.
- B. City of Fredericksburg may monitor any Internet activity occurring on City equipment or accounts. The City currently employs filtering software to limit access to sites on the Internet. If the City of Fredericksburg discovers activities that do not comply with applicable law or City policy, records retrieved may be used to document the wrongful

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content in accordance with due process. In 2008, the Virginia General Assembly strengthened the penalties for misuse of public assets by employees:

*§18.2-112.1 Misuse of public assets; penalty*

*For purposes of this section, "public assets" means personal property belonging to or paid for by the Commonwealth of Virginia, or any city, town, county, or any other political subdivision, or the labor of any person other than the accused that is paid for by the Commonwealth, or any city, town, county, or any political subdivision.*

*Any full-time officer, agent, or employee of the Commonwealth, or of any city, town, county, or any other political subdivision who, without lawful authorization, uses or permits the use of public assets for private or personal purposes unrelated to the duties and office of the accused or any other legitimate government interest when the value of such use exceeds \$1,000 in any twelve (12) month period, is guilty of a Class 4 felony.*

**8.3.9. Disclaimer**

The City of Fredericksburg assumes no liability for any direct or indirect damages arising from the user's access to the Internet. City of Fredericksburg is not responsible for the accuracy of information found on the Internet and only facilitates the accessing and dissemination of information through its systems. Users are solely responsible for any material that they access and disseminate through the Internet.

Employees are encouraged to use the Internet



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access responsibly.

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**8.3.10. Internet Acceptable Use Policy User Agreement**

Each employee / user of the City's Internet shall be required to sign a statement with the language to follow this paragraph and said signed statement shall be made part of the user's account record in the Information Technology Department:

*I hereby acknowledge that I have read and understand the Internet Acceptable Use Policy of the City of Fredericksburg. I agree to abide by these policies and ensure that individuals working under my supervision shall also abide by them. I understand that if I violate such rules, I may face legal or disciplinary action according to applicable law or City policy.*

*I hereby agree to indemnify and hold the City of Fredericksburg and its officers, trustees, employees, and agents harmless for any loss, damage, expense or liability resulting from any claim, action or demand arising out of or related to my use of City-owned computer resources and the network, including reasonable attorney fees. Such claims shall include, without limitation, those based on trademark or service mark infringement, trade name infringement, copyright infringement, unfair competition, defamation, unlawful discrimination or harassment, and invasion of privacy. Police employees under the supervision of the Chief of Police and engaging in this activity to further a law enforcement investigation are exempt from this requirement.*

This statement shall have placeholders provided for the user's printed name, his/her

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signature and the date it was signed.



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**8.4. Cellular Technology Policy**

8.4.1. The purpose of this policy is to explain the Rules of Conduct (See Chapter 6 in the Human Resources Policies) with respect to cellular technology usage.

8.4.2. The policy establishes guidelines for the issuance and usage of City-owned cellular devices as well as procedures for monitoring and controlling costs related to cellular device use in connections with City business. The current cellular device and service options supported by the City of Fredericksburg can be found at the following address: J:\IT\Cellular Technology. This policy outlines guidelines for appropriate use, and other administrative issues relating to cellular device acquisition and reimbursement. The policy was created in order to enhance employee safety, limit City liability, and help manage cellular telecommunications costs.

**A. Scope**

This policy applies to employees and other persons who have of are responsible for any cellular device issued by City of Fredericksburg or conduct business on behalf of the City using any cellular device.

**8.4.3. General.**

- A. It is the policy of the City of Fredericksburg to consider the issuance of a cellular device when the responsibilities require:
- i. The employee to be reachable immediately;
  - ii. The employee to be "on-call" outside of normal business hours.
  - iii. The employee is not normally present at a

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fixed workstation and timely communication is difficult to transact.

8.4.4. The final decision on whether an employee will be issued a cellular device rests with the City Manager. However, cellular devices generally will not be issued to student workers, contract employees, part-time, temporary personnel, consultants, or other workers that do not have a compelling use for the technology.

8.4.5. Responsibility and Authority

- A. Department directors or designated Telecommunications Coordinator are responsible for determining employee need for wireless phones within their respective departments and for periodically evaluating employee eligibility. Departments shall analyze the true business need for wireless communication, while considering other forms of communication available to City employees (alpha pagers, landline phones, e-mail, radio, etc.) and select cellular technology from the approved cellular options found in J:\IT\Cellular Technology.
- B. Department Directors or their Telecommunications Coordinator are also responsible for:
  - i. Informing employees of the purpose for cellular communication in conducting City business.
  - ii. Ensuring employees understand the requirements of usage.
  - iii. Ensuring signature of and compliance with this policy.

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- iv. Communicating to employees the consequences of noncompliance.
- C. Employees and their respective departmental management are jointly responsible for understanding the terms of this policy. Departments and employees shall monitor the continued applicability of these services, equipment and terms to the assigned duties and responsibilities of the user.
- D. The Information Systems Department is responsible for the management and administration of the City's cellular contracts. Additionally, the Information Technology Department will be responsible for maintaining an accurate inventory of cellular equipment, users, and services purchased under these contracts. Any and all wireless procurements will be coordinated with and approved by the Information Technology Department to ensure consistent applications of standards, contract terms, and services.

**8.4.6. Issuing a Cellular Telephone or Device**

- i. The Chief Information Officer will be responsible for managing the best plan and equipment for the City. In order to take advantage of volume pricing discounts, City of Fredericksburg has standardized cellular device equipment, cellular service packages and cellular accessories. Further, since any telecommunications since any telecommunications service or device can and at anytime may be connected to the City's network, any such service or device must be in compliance with the City's technology standards established and maintained by the City of Fredericksburg Department of Information Technology or

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designee.

**8.4.7. City-Owned Cellular Phones and Devices:  
Appropriate Use**

- A. It is imperative that cellular devices owned by the City of Fredericksburg used to conduct City business be used appropriately, responsibly and ethically. The following must be observed:
- i. City owned cellular devices are property of City of Fredericksburg and must be treated, used and safeguarded as such. If a City provided cellular device is damaged, lost or compromised the employee shall immediately notify his/her Department Director or designee, and in turn the Chief Information Officer to prevent fraudulent use of the device and to acquire a replacement. Departments will be charged for any repair or replacement parts.
  - ii. No employee is to use a City owned cellular device for the purpose of illegal transactions, harassment, or obscene behavior, in accordance with other existing employee policies. Police employees are exempt from this requirement, under the supervision of the Chief of Police while engaging in this activity to further a law enforcement investigation.
  - iii. All costs associated with issued cellular devices will be allocated to the appropriate department.
  - iv. Monthly itemized bills will be received by the City and reviewed by the Chief Information Officer or designee, with costs allocated to the appropriate Department

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Budget Code.

- v. Billing information will be submitted to departments for review and approval prior to processing.
- vi. Any service minutes that are "included" in the monthly plan are property of the City of Fredericksburg.
- vii. Employees are cautioned that some usage and service may incur additional "extra" charges/costs to the department and to the City. Such as: out of area roaming, off network calls, text messaging (SMS), sending of cell phone generated pictures (MMS), downloading of ring tones, 4-1-1 directory assistance, long distance, etc. Where appropriate and technically possible, Information Technology, at its discretion, may block these "extra" charges/cost features.
- viii. Employees are discouraged from using the City's cellular services for personal use. Employees will be required to reimburse the City for personal costs they cause the City to incur in excess of its basic cellular telecommunications contract structure. Such personal costs include, but are not limited to, unauthorized "extra charges/costs features" such as those noted in the paragraph above, and personal or non-work related incurred costs. Reimbursement to the City for such costs shall be made no more than quarterly.
- ix. Upgrades to existing cellular services and devices must have the business needs defined and the Department Director's approval prior to obtaining an upgrade or

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receiving additional services.

- x. Confidential conversations: use caution, as wireless signals can be intercepted by others.
- xi. Cellular services and devices must be operated in accordance with all applicable state and local regulations regarding use while on or conducting City business, in a City vehicle, while operating city equipment, or in your personal vehicle. *Employees are prohibited from using a cellular device when operating a moving vehicle* while on or conducting City business. The only exception to this is an emergency or need originating from a public safety issue. Please see section on Etiquette below for tips on how to handle calls while driving.
- xii. Each employee is responsible for the use of his or her cellular service and device and therefore is responsible to ensure unauthorized use does not occur.
- xiii. Freedom of Information Act (FOIA) Everything (personal or business related) that is received or transmitted via any telecommunications service or device (including your personal cell phone if used for City business) may be subject to FOIA, if the data is able to be retrieved. Examples of such data include: text messages, pictures, contacts, address book, emails, voice mails, blogs, website visited, etc.

- B. Departments must periodically review and assess their authorized users to determine if the business need for their cellular services

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and /or devices still exists. The Department Director of designated Telecommunications Coordinator shall conduct a review of the monthly cellular services and devices usage and charges and certify that usage remains within the planned business needs and budget. Items of interest include, but are not limited to:

- i. Usage spikes (up or down)
  - ii. Long Distance, roaming, 4-1-1 directory assistance, text messaging or other "extra" charges/costs type services.
  - iii. Downloads such as games, ring-tones, or non-business related services
  - iv. Excessive personal use
  - v. Billing errors
  - vi. Other usage that may impact employee or network performance or incur costs.
- C. Departments requiring cellular additions, moves, and/or changes shall provide Information Technology with ample advance notice so as to allow Information Technology and device/service providers, time to deliver such in their normal course of business.

**8.4.8. Policy Non-Compliance**

The Department Director and the Employee's immediate Manager will be advised of any breaches of this policy and will be responsible for appropriate remedial action, which may include but not be limited to reimbursement to the City for costs incurred, revocation of the privilege to use City cellular devices and disciplinary action, including suspension or dismissal from employment.

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PRACTICE CELL PHONE ETIQUETTE:

- 8.4.9. While cell phones are a wonderful communication tool, it can be considered rude to use them in certain ways and situations. Please consider the following as you use your City issued cellular device.
- A. Avoid taking a personal mobile call during business meetings. This includes interviews and meetings with co-workers and subordinates.
  - B. Try to maintain at least a 10 foot zone from anyone while talking.
  - C. Avoid talking in elevators, libraries, museums, restaurants, cemeteries, theaters, dentist of doctor waiting rooms, places of worship, auditoriums or other enclosed public spaces, such as hospital emergency rooms or buses. Refrain from having any emotional conversations in public – ever.
  - D. Loud and annoying ring tones destroy concentration and eardrums.
  - E. Avoid “multi-tasking” by making calls while shopping, banking, and waiting in line or conducting other personal business.
  - F. Try to keep all cellular communications brief and to the point.
  - G. Use an earpiece in high-traffic or noisy locations. That lets you hear the amplification, or how loud you sound at the other end, so you can modulate your voice.
  - H. Let callers know you’re talking on a mobile, so they can anticipate distractions or



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disconnections.

**I. While Driving**

- i. Make appointments or report status to supervisor while on location, before getting on the road
- ii. When a call comes in while driving let it go to voice mail, return the call once you are parked and in a safe location.
- iii. Check messages at rest stops and before leaving for the next appointment.
- iv. Keep phones out of reach.
- v. Cell phones are not for prolonged conversations, it's not to be used as a device to keep one company while driving.
- vi. Employees who need only short sound-byte communication should consider two-way text pager rather than a cell phone
- vii. Concentrate on driving; it demands all of one's **undistracted** attention.

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### **8.5. Email Acceptable Use Policy**

**8.5.1. Purpose .** The purpose of this policy is to explain Section 6-Workplace Behavior and Demeanor, of the Human Resources Policy Manual with respect to email usage.

E-mail is a critical mechanism for business communications at the City of Fredericksburg. However, use of the City of Fredericksburg's electronic mail systems and services are a privilege, not a right, and therefore must be used with respect and in accordance with the goals of the City of Fredericksburg.

The objectives of this policy are to outline appropriate and inappropriate use of the City of Fredericksburg's e-mail systems and services in order to minimize disruptions to services and activities, as well as comply with applicable policies and laws.

**8.5.2. Scope** This policy applies to all e-mail systems and services owned by the City of Fredericksburg, all e-mail account users/holders at the City of Fredericksburg (both temporary and permanent), and all City e-mail records.

**8.5.3. Account Activation/Termination.** E-mail access at the City of Fredericksburg is controlled through individual accounts and passwords. Each user of the City of Fredericksburg's e-mail system is required to read and sign a copy of this E-Mail Acceptable Use Policy prior to receiving an e-mail access account and password. It is the responsibility of the employee to protect the confidentiality of their account and password information (please also see Password Policy)

All employees of the City of Fredericksburg can be provided with an e-mail account. E-mail accounts will be granted to third party non-employees on a case-by-case basis. Possible non-employees that may be eligible for access include:

- Contractors/Vendors
- Agencies

Applications for these temporary accounts must be submitted in writing to the Chief Information Officer, Room 119 City Hall. All terms, conditions, and restrictions governing e-mail use must be in a written and signed agreement.

E-mail access will be terminated when the employee or third party terminates their association with the City of Fredericksburg, unless other arrangements are

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made. The City of Fredericksburg is under no obligation to store or forward the contents of an individual's e-mail inbox/outbox after the term of their employment has ceased.

**8.5.4. General Expectations of End Users.** Important official communications are often delivered via e-mail. As a result, employees of the City of Fredericksburg with e-mail accounts are expected to check their e-mail in a consistent and timely manner so that they are aware of important City announcements and updates, as well as for fulfilling business- and role-oriented tasks.

E-mail users are responsible for mailbox management, including organization and cleaning. If a user subscribes to a mailing list, he or she must be aware of how to remove himself or herself from the list, and is responsible for doing so in the event that their current e-mail address changes.

E-mail users are also expected to comply with normal standards of professional and personal courtesy and conduct.

**8.5.5. Appropriate Use** Individuals at the City of Fredericksburg are encouraged to use e-mail to further the goals and objectives of the City of Fredericksburg. The types of activities that are encouraged include:

- Communicating with fellow employees, business partners of the City of Fredericksburg, and clients within the context of an individual's assigned responsibilities.
- Acquiring or sharing information necessary or related to the performance of an individual's assigned responsibilities.
- Participating in educational or professional development activities.

**8.5.6. Inappropriate Use** The City of Fredericksburg's e-mail systems and services are not to be used for purposes that could be reasonably expected to cause excessive strain on systems. Individual e-mail use will not interfere with others' use and enjoyment of the City of Fredericksburg's e-mail system and services. E-mail use at the City of Fredericksburg will comply with all applicable laws, all the City of Fredericksburg policies, and all the City of Fredericksburg contracts.

The following activities are deemed inappropriate uses of the City of Fredericksburg systems and services and are prohibited:

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- Use of e-mail for illegal or unlawful purposes, including copyright infringement, obscenity, libel, slander, fraud, defamation, plagiarism, harassment, intimidation, forgery, impersonation, soliciting for illegal pyramid schemes, and computer tampering (e.g. spreading of computer viruses).
- Use of e-mail in any way that violates the City of Fredericksburg's policies, rules, or administrative orders, including, but not limited to, Rules of Conduct (Article 7-Conduct and Discipline, Section 3-7.1 of the Administration Manual).
- Use of e-mail for personal gain.
- Use of e-mail containing any information that violates or infringes upon the rights of others.
- Viewing, copying, altering, or deletion of e-mail accounts or files belonging to the City of Fredericksburg or another individual without authorized permission.
- Sending of unreasonably large e-mail attachments. The total size of an individual e-mail message sent (including attachment) should be 10 MB or less.
- Opening e-mail attachments from unknown or unsigned sources. Attachments are the primary source of computer viruses and should be treated with utmost caution.
- Sharing e-mail account passwords with another person, or attempting to obtain another person's e-mail account password. E-mail accounts are only to be used by the registered user.
- Excessive personal use of the City of Fredericksburg e-mail resources. The City of Fredericksburg allows limited personal use for communication with family and friends, independent learning, and public service so long as it does not interfere with staff productivity, pre-empt any City business activity, or consume more than a trivial amount of resources. The City of Fredericksburg prohibits personal use of its e-mail systems and services for unsolicited mass mailings, non-City commercial activity, political campaigning, dissemination of chain letters, and use by non-employees.

**8.5.7. City Representation** It is important to remember that an e-mail message is, in essence, a letter on organizational stationery; as such,

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commitments may be interpreted as commitments of the organization, and opinions may be taken as the opinion of the organization.

**8.5.8. E-mail Etiquette** As use of e-mail grows, it becomes increasingly important for each e-mail user to use care and caution when sending messages to one another. The following advice is provided to all e-mail users when considering what is appropriate for sending in an e-mail message.

- Ask yourself: would I want a jury to read this e-mail?
- Be polite. Make sure short messages don't come across as brusque or curt.
- Don't send offensive jokes or frivolous messages.
- Don't write anything you wouldn't want repeated. E-mail can be forwarded to hundreds of people, in and out of our organization.
- Work out problems face-to-face, not on e-mail.
- Protect your password, and always log off or lock your computer when not using the system.
- The content of the message should be something you would be comfortable saying in an open business meeting.

**8.5.9. CityEmployees@fredericksburgva.gov E-Mail** It must be recognized that e-mail sent to "CityEmployees@fredericksburgva.gov" is received by approximately 200 City system users as of 6/2007 and generates a heavy burden on the computer systems that have to route and store them. In many cases global messages interrupt the work of a substantial number of people due to the "Notification" function being on. Therefore, please be sensitive to this and observe that:

- Work related global (City-wide) E-Mail must be approved by your department head before it is sent.
- Personal messages should not be sent to any distribution list
- Work related global (City-wide) E-Mail should be restricted to one message per subject unless extraordinary circumstances prevail such as: public safety alerts, City closings due to bad weather etc.

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**8.5.10.E-Mail Retention** The City of Fredericksburg's system-wide e-mail retention is currently 3 years for all non-deleted items and upon logout for messages deleted and in the "trash". Each e-mail user has the ability to archive messages. The e-mail system is backed up nightly (Monday-Friday) and a weekly tape rotation is employed.

E-mail is a means for delivering information. It is the information contained within an e-mail that determines the retention period. If departments have records stored via e-mail that have a retention period beyond three years, they will need to ensure such records are either printed to paper and kept in a file for the appropriate period of time or transferred to their own electronic archive (CD or DVD). The electronic version must then be administered according to records retention schedules and records removed and destroyed when their retention period has run its course.

Please NOTE: Software programs improve and evolve over time and the Information Technology Department is not responsible for keeping old versions of software available that may be needed to read old electronic files. If the user decides to maintain their records in an electronic format rather than paper (a method determined to have longevity of storage), the onus is on the user to retain the technology needed to retrieve the electronic document as required, and to use a CD or DVD to archive files.

It is also recommended that users of the City's e-mail system maintain their own e-mail records and not rely solely on the system parameters to determine when a record should be saved or deleted. If an e-mail user has received an e-mail that meets the criteria for records retention, *the only assured method of retention is that the recipient or sender of the e-mail record print it and make it part of an official file.*

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**8.5.11.E-Mail Privacy** All e-mail users should be aware that confidentiality of electronic mail cannot be assured and that any communications which need to remain confidential should not be sent over the Internet. People tend to speak freely through e-mail because they falsely assume their messages are private and will be read only by the person receiving it. Even when an e-mail message is erased, it is still retained for a period of time. There are now firms in existence who specialize in finding incriminating information in computer systems, including files deleted months or years ago that still reside inside backup tapes, diskettes, or hard drives.

**8.5.12.City E-Mail is subject to the Freedom of Information Act (FOIA):** With limited exception, all information sent and received through the City's email system are public records subject to public inspection and review under the Virginia Freedom of Information Act. This means that the City will provide access to any and all information available on the City's email system upon request by any resident or entity (business) operating in the Commonwealth of Virginia, including the press, unless the Freedom of Information Act provides an exception. Be aware when you draft or send an e-mail that it may be provided to a City resident or the press. Be professional and be business-like. For more information, refer to Chapter 37 of Title 2.2 of the Code of Virginia.

**8.5.13. Monitoring and Confidentiality** The e-mail systems and services used at the City of Fredericksburg are owned by the City, and are therefore its property. This gives the City of Fredericksburg the right to monitor any and all e-mail traffic passing through its e-mail system. While the City does not actively read end-user e-mail, e-mail messages may be inadvertently read by IT staff during the normal course of managing the e-mail system.

In addition, backup copies of e-mail messages may exist, despite end-user deletion, in compliance with the City of Fredericksburg's records retention policy. The goals of these backup and archiving procedures are to ensure system reliability and prevent business data loss.

If the City of Fredericksburg discovers or has good reason to suspect activities that do not comply with applicable laws or this policy, e-mail records may be retrieved and used to document the activity in accordance with due process. All reasonable efforts will be made to notify an employee if his or her e-mail records are to be reviewed. Notification may not be possible, however, if the employee cannot be contacted, as in the case of employee absence due to vacation. All communications, including text and images, may be disclosed without prior consent of the sender or the receiver.



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Use extreme caution when communicating confidential or sensitive information via e-mail. Keep in mind that all e-mail messages sent outside of the City of Fredericksburg become the property of the receiver. A good rule is to not communicate anything that you wouldn't feel comfortable being made public. Demonstrate particular care when using the "Reply" command during e-mail correspondence.

**8.5.14. Reporting Misuse** Any allegations of misuse should be promptly reported to the Chief Information Officer, Room 119 City Hall, 540-372-1026 x289. If you receive an offensive e-mail, do not forward, delete, or reply to the message. Instead, report it directly to the individual named above.

**8.5.15. Disclaimer** The City of Fredericksburg assumes no liability for direct and/or indirect damages arising from the user's use of the City of Fredericksburg's e-mail system and services. Users are solely responsible for the content they disseminate. The City of Fredericksburg is not responsible for any third-party claim, demand, or damage arising out of use the City of Fredericksburg's e-mail systems or services.

**8.5.16. Failure to Comply** Violations of this policy will be treated like other allegations of wrongdoing at the City of Fredericksburg. Allegations of misconduct will be adjudicated according to established procedures. Sanctions for inappropriate use on the City of Fredericksburg's e-mail systems and services may include, but are not limited to, one or more of the following:

- Temporary or permanent revocation of e-mail access;
- Disciplinary action according to applicable the City of Fredericksburg policies;
- Termination of employment; and/or
- Legal action according to applicable laws and contractual agreements.



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**E-Mail User Agreement**

I have read and understand the E-Mail Acceptable Use Policy. I understand if I violate the rules explained herein, I may face legal or disciplinary action according to applicable laws or city policy.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

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9. Workplace Safety

*Adopted September 12, 2008*

**9. WORKPLACE SAFETY**

It is the policy of the City of Fredericksburg to provide a safe and healthful working environment free from hazards that could pose threats or cause harm to employees and to operate at the highest possible levels of safety and health for all employees. The prevention and reduction of accidents, injuries and occupational illnesses are goals of the City, and shall be primary considerations at all times. This concern for safety and health applies to all employees, regardless of status, whether full or part time, regular or temporary, and to any other person or persons who might be involved in City activities.

**9.1. Safety Goals and Objectives**

The City has developed an Occupational Safety and Health Plan, the goals of which are as follows:

- 9.1.1. To limit the exposure of City employees to situations and occurrences that could have harmful or undesirable consequences on the City or its employees; and
- 9.1.2. To provide the safest possible work environment for City employees while recognizing the risks inherent in all work environments.

**9.2. Scope**

The City intends to comply, and incorporates herein by reference, the requirements of the Occupational Safety and Health Act (29 CFR 1910 *et seq.*) and the Virginia Department of Labor and Industry.

**9.3. Accountability**

There is no job or task in the City having greater importance than accident prevention. All employees shall be made aware of the City's safety goals, and encouraged to vigorously pursue them. All employees are accountable for individual safety and loss-control performance.

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#### **9.4. Discipline with Specific Reference to Safety**

In accordance with the City's progressive discipline policy with respect to infractions and violations of rules, the initial level of accountability is typically the verbal warning. The second level requires the commitment to writing of the warning issued. The third level involves suspension without pay and the final level typically results in the separation of the employment relationship. Reprimands, whether oral, written or involving time away from the job in an unpaid status are designed to encourage a change in employee behavior. They serve to:

- 9.4.1. Allow the employee to change unsafe work practices;
- 9.4.2. Document the infraction;
- 9.4.3. Guarantee that the employees are sufficiently warned of rule infractions.
- 9.4.4. Three examples of behaviors that would warrant reprimands are:
  - A. Failure to wear proper protective equipment.
  - B. Failure to follow rules, policies, procedures, laws or ordinances established for the safety of the individual, co-workers, or the general public.
  - C. Performing work in a deliberately unsafe manner.

The severity of the disciplinary action meted out would be commensurate with the severity of the violation. For egregious, willful disregard of safety procedures, the level of discipline administered may warrant dismissal on the first occurrence, and the City reserves the right to handle such matters without having followed progressive discipline.



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## **9.5. Accident Reports and Investigations**

The accident reporting and investigations plan, located in the City of Fredericksburg Safety and Health Manual and incorporated herein by reference, describes methods and practices for reporting and investigating accidents for which all managers, supervisors and employees will be held accountable. The plan is intended to demonstrate that the City is in compliance with the requirements in 29 CFR 1904 by:

- 9.5.1. Determining methods and practices for reporting and investigating accidents; and
- 9.5.2. Providing a means to deal with workplace accidents in a standardized way.

Additionally, the City intends to follow the Risk Assessment Guidelines provided by its insurance carriers for risk management and loss control by complying with OSHA regulations and the Virginia Workers' Compensation Act.

## **9.6. Reporting Accidents**

Whenever an incident occurs in which an employee is injured or property damage results, it must be reported according to established procedures. Any employee witnessing such an incident is responsible to call for emergency help, if it is deemed that such assistance is warranted. Additionally, employees who are injured or who witness such accidents must report the incident to the first available supervisor in the management structure for the respective department. Witnesses to the incidents will be required to provide statements, as well as the employees who may be injured.

## **9.7. Accident Investigation Team and its Reports**

The Accident Reporting and Investigations Plan provides for an Accident Investigation Team. This group of employees assists in providing a thorough investigation of all accidents in order to identify accident / incident causes and assist with the following:

- 9.7.1. Reducing the economic loss to the City from injuries and lost productive time;
- 9.7.2. Determining why accidents occur, where they happen and any trends that might be developing;

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- 9.7.3. Assisting employee population with awareness of workplace hazards and other problems leading to accidents;
- 9.7.4. Identifying areas for improvement and training to increase safety and productivity;
- 9.7.5. Noting areas where the training information needs to be updated, or work practices need to be revised;
- 9.7.6. Determining a focus for additional development of the safety program.

The reports of the accident investigation team provide input into:

- 9.7.7. Tracking and reporting injuries on a monthly basis;
- 9.7.8. Grouping injuries by type, cause, body part affected, time of day and process involved immediately prior to the incident;
- 9.7.9. Determining if any trends in injury occurrence exist or are developing, and possibly graphing this trend;
- 9.7.10. Identifying any equipment, materials or environmental factors that seem to be commonly involved in incidents involving injury and/or property damage
- 9.7.11. Discussing the possible solutions to the problems to prevent future occurrences; and
- 9.7.12. Implementing and tracking such resolutions and preventive actions.



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### **9.8. Workers' Compensation**

According to the Virginia Workers' Compensation Act, all injuries occurring on the job are NOT necessarily covered by the Act. To be compensable, or payable, the injury must:

- 9.8.1. Be an **injury by accident**;
- 9.8.2. **Arise out of** the employment; and
- 9.8.3. Occur **in the course of** the employment.

To be an accident, an event must occur that is not expected by the person to which it happens, and it must:

- 9.8.4. Involve an obvious sudden mechanical or structural change in the body.
- 9.8.5. Be identified with a specific movement made or action taken, or a specific incident or event.
- 9.8.6. Take place at a reasonably definite time.
- 9.8.7. Be connected to the accident.

Injuries sustained at some unknown time are not considered to be injuries by accident. Additionally, injuries that are the results of cumulative actions, repetitive traumas or continuing mental or physical stress, while certainly painful to the one experiencing them, are not injuries by accident, and are not covered under the Virginia Workers' Compensation Act.

To "Arise out of" employment refers to the time, place and circumstances under which the incident occurs. To be covered, a connection must exist between the accident and the risk or hazard connected with the employment. Proof must exist that the employee is exposed to the additional risk or hazard to an extent beyond that to which the general public is exposed, and that such exposure is due to the injured party's employment.

To be "in the course of" employment means that the incident occurs within the period of employment, at a place where the employee may reasonably be and while the employee is reasonably fulfilling duties of his employment or doing something related to employment.

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An occupational **disease** is one arising out of and in the course of employment, but **not** an **ordinary disease of life**, to which the general public is exposed outside of the employment. A condition must be a disease to receive benefits under the Act. To be considered compensable :

- 9.8.8. The employee must prove that it is more likely than not that the disease arose out of and in the course of employment and not from causes outside of the employment;
- 9.8.9. The employment must be the proximate cause of the disease;
- 9.8.10. The disease must be caused by conditions peculiar to the employment;
- 9.8.11. The disease is not a condition of the **neck, back or spinal column**.

An ordinary disease of life that is merely aggravated by the work environment is not compensable.

**9.8.12. Wage Loss Compensation**

- A. According to the Virginia Workers' Compensation Act, an employee is not entitled to loss wage compensation for the first seven (7) days of incapacity resulting from a work-related injury. Loss wage compensation begins on the eighth (8<sup>th</sup>) day of disability. The City recognizes the hardship that such a waiting period may cause employees, and will continue the payment of wages for regularly scheduled work days falling in that seven (7) day waiting period.
- B. If the disability period is of sufficient length as to fall into time periods covered by the loss wage compensation from the City's Workers' Compensation carrier, the City will cease payment of wages and the carrier's payments will ensue. **The City will allow the employee to substitute any unused, accrued sick leave, compensatory leave, or annual leave to cover the gap between the pre-injury wage and the level of compensation paid according to the provisions of the Virginia Workers' Compensation Act.** The level of compensation provided is roughly two-thirds (2/3) or sixty-six

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point seven percent (66.7%) of the average weekly wage for the employee at the time of the injury. Workers' compensation benefits are not taxable.

- C. Because the employee will be eligible for compensation for the initial seven (7) day waiting period days if his/her disability extends as long as twenty-two (22) or more days, **the employee must submit to the City said workers' compensation payment for the initial seven (7) days when he/she receives it.**

**9.8.13. Transitional Work: Light or Modified Duty**

- A. The City of Fredericksburg views as its first responsibility the prevention of occupational illnesses and injuries. When, despite our best efforts, they occur, it becomes the City's responsibility to mitigate the impact of the injury or illness on both the injured or ill employee and the City. The City believes that a strong return to work effort yields several benefits, including
- i. The acceleration of the injured employee's recovery;
  - ii. Maintenance of an experienced workforce;
  - iii. Reduction in claims costs; and
  - iv. Improved employee relations.
- B. The City is committed to providing transitional work, on a temporary basis, to ease the ill or injured employee back into the workplace. Transitional work is:
- i. Appropriate work to allow the resolution of the injury and to prevent re-injury.
  - ii. Modification of the job according to the medical limitations.
  - iii. Setting a positive atmosphere and letting employees ease back into a routine by adjusting work expectations/encouraging employees to adhere to therapy schedules, and explaining the need for transitional work to the employee's co-workers to reduce peer resentment.
  - iv. A meaningful job; no "make work" projects.
  - v. Work assignments that are temporary, and are reviewed every sixty (60) days.



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- C. In order to accomplish the policy of providing transitional, or light/modified return to work duties, the City establishes the following general process for structuring its program.
  - i. Once the Human Resources Department receives the workers' compensation physical capacity form that identifies the restrictions for the injured employee, the Human Resources staff and the employing department head shall meet to review the restrictions and implement a transitional assignment plan.
  - ii. Once the plan is identified and written, the employing department head shall send a certified letter to the employee, indicating that such transitional work has been tailored for him or her.
  - iii. The employing department head and the recovering employee shall meet to discuss the assignment, and put the agreement in writing in accordance with the treating physician's restrictions.
  - iv. The Human Resources shall monitor such assignments every sixty (60) days.
- D. The Human Resources Department shall maintain a listing of suggested transitional work programs from the VML Insurance Programs.

**9.8.14. Housing of all Workers' Compensation Records in Human Resources**

- A. All notifications of injury, reports to carrier, physician status reports will be submitted or copied to the Human Resources Department, where the primary file for the incident of injury will be maintained.
- B. Departments are encouraged to maintain copies of everything sent to the primary file in Human Resources, but may not retain in its sole possession any pertinent document needed by Human Resources in its role as primary liaison with the Workers' Compensation carrier.

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**9.9. Motor Vehicle Policy.**

The City of Fredericksburg is dedicated to the safety of its citizens and employees and seeks to establish uniform procedures governing the use of all City-owned or leased vehicles, and establish requirements for employees using their own vehicles to conduct City business. Vehicles are defined as passenger vehicles, trucks, vans, as well as all tractors, construction, service or maintenance vehicles, golf carts and off-road vehicles. The goal of the City is to ensure that people who are driving in some capacity for the City of Fredericksburg have the legal ability to do so, and that the City of Fredericksburg is protected from any legal liability.

Each employee is a representative of the City to the citizens. As such, the City desires that the City vehicles be well maintained, be kept clean and in good working order, and that the driver shall comply with all traffic laws and ordinances. Employees and volunteers shall operate their vehicles with the utmost safety and shall drive defensively to prevent accidents, regardless of the incorrect actions of others.

This policy and the attendant procedures apply to all drivers of City owned, leased or otherwise provided vehicles, as well as the use of personal vehicle in the conduct of City business, whether governed by the City's Human Resources Policies or not.

9.9.1. Defensive Driver Training. All employees who operate, or may operate, motor vehicles during the course of their work duties shall undergo Defensive Driving training prior to operating a City vehicle and every three years thereafter. The Human Resources Director shall ensure that all eligible employees will attend this training and that records are maintained for each training session. Training shall include verbal, written and video instruction and testing.

- A. New Hires. Within three (3) months of hire, each newly hired employee must attend either a training course that includes a VML-approved safe driving video and receive a handbook from that video training. The employee must pass the written test provided in the handbook in order to be eligible to operate City vehicles. These trainings may be either two (2) hours or four (4) hours in length.
- B. Existing Employees. Existing employees shall participate in the one of the safe/defensive driving course every three (3) years. This course is presented by the Police, Transit and/or Fire Department, and is offered on a monthly basis. Any employee

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who is contacted by the Human Resources Department as having come to the three (3) year mark since the last attendance at training is required to attend the next available training, or arrange a mutually agreeable training session to attend.

- C. Driving Record-Based Retraining. Any employee who is deemed to be a risk based on driving history or documented motor vehicle violations, may be directed by the Director of Human Resources and the Assistant City Manager to attend an eight (8) hour Driver Improvement Clinic approved by the Virginia Department of Motor Vehicles at his or her own expense in order to retain or restore his/her driving privileges.

9.9.2. Other General Provisions.

- A. Personal motor cycles may not be used in the performance of City business.
- B. City vehicles are authorized "For Official Use Only." Such vehicles are to be utilized to perform the functions and conduct the operations and programs of the department or agency that is using the vehicle. When such use includes the transport of non-employees, such transport is approved. City vehicles may be utilized both within and outside of the City for Official Use. Anyone may be reimbursed for the use of his/her personal, private vehicle when such vehicle is used in the conduct of City business; such reimbursement shall be made in compliance with City policies and applicable federal and state tax laws.
- C. Only individuals engaged in City business are permitted to ride in City vehicles, unless present in the course of conducting official City business. Only eligible employees are permitted to drive a City vehicle.
- D. Only properly licensed City employees shall operate City vehicles.
- E. Cell phone use by a driver of a City vehicle is only permitted when the vehicle is out of traffic lanes and at a full stop. Disciplinary action is likely if an accident occurs in which the employee was discovered to have been using a cell phone while operating the vehicle in traffic lanes and is either charged with the accident, or if the accident is deemed to be a preventable one by the Accident Review Panel.

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- F. All employees are required to wear safety belts while operating or riding in a City vehicle or any other vehicle when engaged in City business. All passengers must wear safety belts when riding in City vehicles. An employee who violates this rule may lose the right to collect benefits under the Virginia Workers' Compensation Act.
- G. Prior to the use of a City vehicle, the operator must conduct an inspection of the vehicle to include a check of the lights, horn, windshield wipers, tires, brakes and engine fluids. If a mechanical problem is detected during this inspection, or during the operation of the vehicle, the operator must report the problem to his/her supervisor immediately. Any vehicle which may present a safety problem may not be used in conducting City business.
- H. The use of tobacco products in City owned vehicles is strictly prohibited and is grounds for disciplinary action.
- I. All City vehicles, except those authorized to be taken home, shall be parked on City controlled property or at a location designated by the Department Head to whom said vehicle is assigned.
- J. City vehicles may be taken home overnight only if specifically authorized. Take home privileges not exceeding twenty-four (24) hours may be granted by the Department Head to whom the vehicle is assigned, as long as the home is within a twenty-five (25) mile radius of City Hall, located at 715 Princess Anne Street, in downtown Fredericksburg. Take home privileges for periods exceeding twenty-four (24) hours shall only be approved by the City Manager. Unless specifically approved by the City Manager, only employees living within a twenty-five (25) mile radius of City Hall may take home a vehicle overnight.
- K. City employees who are granted take home vehicles on a routine basis shall be subject to Internal Revenue Service provisions for any personal use of the vehicle. Department of the Treasury, Internal Revenue Service, Publication 15-B, revised in February 2007, includes information on the tax treatment of personal use of City-owned vehicles. The personal use of a City vehicle is considered taxable by the IRS. Employees shall be expected to keep records to substantiate both business and personal miles driven in City-owned vehicles. Any personal use of the City vehicle must be *di minimus*. This means that

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the personal use is incidental and does not deviate the vehicle from normally traveled commuting routes between the workplace and the employee's home.

- L. Any employee who is involved in an accident while operating a City vehicle must report the accident immediately to the Police Department. As soon as possible, the employee must also report the accident to his/her supervisor. The Supervisor/Department Head is required to complete the Motor Vehicle Supervisor's Accident Investigation Report and forward it to the Safety Coordinator in the City Manager's office as soon as possible. It will be forwarded to the Accident Review Committee.

9.9.3. Driver Eligibility Requirements

- A. Licensing. Department Heads are responsible for ensuring that their employees are properly licensed and trained to operate City vehicles. All operators of City vehicles are required to have a valid Virginia driver's license. Some positions require the possession of a valid Virginia CDL.

Those persons required to operate a vehicle weighing 26,001 pounds or more, gross vehicle weight rating (GVWR); or designed to carry sixteen (16) or more passengers, including the driver; or used to transport hazardous materials required to be placarded by federal law, must have a Virginia Commercial Motor Driver's License (CDL). Such license is required for heavy vehicle drivers and mechanics in public works, public facilities and for Fredericksburg Transit Authority (FRED bus) drivers. Commercial license requirements do not apply to operators of emergency vehicles such as fire trucks or ambulances, however those operators are required to meet special state and federal skill requirements for their driving certifications.

- B. Driving Records.
  - i. Employees shall complete a DMV Information Request Form, (CRD-93) for the City of Fredericksburg in order to provide the City to access an individual's driving record.
  - ii. The DMV record shall be maintained in confidential, individual personnel files and updated annually. The Director of Human Resources, of his/her designee, shall notify the respective

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Department Head and the City Manager when an employee's record fails to meet the minimum standards described herein.

C. Minimum Driving Standards

A DMV record check of current employees shall occur on an annual basis. Drivers must meet minimum standards as determined and published herein. In addition to the annual DMV records check, all employees must report any change in license status with the Commonwealth of Virginia to their department heads through immediate supervisors.

- i. As soon as practicable, but not later than the next scheduled work day, employees must report any charge and/or conviction of the following violations:
  - a. Refusal to submit to a blood or breath test for determination of drug or alcohol content;
  - b. Driving under the influence of drugs, alcohol or other intoxicants;
  - c. Reckless driving;
  - d. Leaving the scene of an accident;
  - e. Vehicular manslaughter or homicide;
  - f. Eluding police;
  - g. Committing a drug offense, regardless of whether a motor vehicle was involved; or
  - h. Committing a felony involving the use of a motor vehicle.
- ii. All City employees must meet the following minimum standards with regard to their driving records:
  - a. The record must reflect no more than two (2) moving violations within the previous twenty-four (24) months (e.g., speeding, failure to yield, violating a traffic signal, failure to stop, improper turn, improper lane change, following too closely, reckless driving, etc.)
  - b. There can be no more than three (3) moving violations within the previous thirty-six (36) months.
  - c. No record of convictions associated with driving under the influence (DUI), reckless driving, eluding police, leaving the

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scene of an accident, or manslaughter (voluntary or involuntary) within the previous sixty (60) months.

- d. No record of current revocations or suspensions or previous revocations or suspensions with moving violations within the last sixty (60) months. Administrative suspensions of license, i.e., those involving non-moving violations, must be cleared within one (1) week of their discovery and communication to the employee.
- iii. Employees whose records do not conform to the minimum standards included herein will have driving privileges suspended until the employee has attended the eight (8) hour driving course approved by the Virginia Department of Motor Vehicles. Once evidence of completion is provided to the Human Resources Department, driving privileges will be restored.
- iv. Applicants whose driving records do not meet the minimum standards expressed in paragraphs C (ii)(a) through C(ii)(d) herein shall be disqualified for employment in a position requiring driving.
- D. Notification of Supervisors when Drivers Licenses are Restricted. Employees whose positions require that they operate a motor vehicle, and whose licenses have been restricted, suspended or revoked, shall within one (1) business day of learning of such restriction, suspension or revocation, notify the respective supervisor of such action. Any employee who fails to notify his/her supervisor in such events shall be subject to disciplinary action, up to and including dismissal.
- E. Loss of City Driving Privileges. Any employee who refuses to attend and participate in the City's defensive driving program, or a DMV approved Driver Improvement Clinic, shall lose privileges to operate City vehicles or otherwise drive for conducting City business. If driving is an essential function of the position, appropriate action will be taken, depending on the severity and number of convictions. Failure to comply with the standards shall be considered cause for dismissal or other disciplinary measures as deemed appropriate and in accordance with the Human Resources Workplace Behavior and Demeanor Section of this policy.

9.9.4. Care and Maintenance of Vehicles.



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- A. Operator Responsibilities. Operators of City-supplied vehicles shall be responsible for checking and maintaining correct engine oil level; proper level of coolant in radiator; ensuring proper operation of headlights, taillights and turn signals; tire pressure (including spare) and tire condition; proper braking action; and general appearance of the vehicle (interior and exterior). If a noted deficiency is not within an operator's ability to correct, the vehicle shall be taken to the City's automotive repair shop for service promptly.
- B. Routine Maintenance and Repairs. Each vehicle shall be taken to the City's automotive repair shop for servicing when needed.
- C. Vehicle Alterations. Employees shall not alter or add any equipment to a City vehicle (including stereo system enhancements, bumper stickers, racks, tool boxes, etc.) without Department Head approval. Damages resulting from such unauthorized modifications shall be assessed against the employee making such modification.

9.9.5. Accident Review Committee.

- A. Committee Members. The Accident Review Board shall be comprised of representatives from the following departments: Public Works to include City Shop and Wastewater Treatment facilities, Police, Fire, Parks, Recreation and Public Facilities, FREDericksburg Regional Transit and the following specific position incumbents Safety Coordinator, Director of Human Resources and any other committee member designated by the City Manager. The City Manager shall appoint the Committee chair and vice-chair.
- B. Meeting Schedule and Responsibilities: The Accident Review Committee shall meet monthly. The responsibilities shall be to evaluate each vehicle accident with respect to:
  - i. Whether the accident was preventable or non-preventable by the employee, and how it could have been prevented;
  - ii. Any additional and/or remedial training/ counseling is recommended for this employee for future prevention.
  - iii. What recommendations for a department or work group should result from the review of the particular incident.
  - iv. A workers' compensation incident that required no medical treatment may be classified as a "notice-only", and not reviewed any further.



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### **9.10. Building Security**

City employees must carry their identification badges with them at all times, and be prepared to show them to law enforcement personnel or other City officials if asked. Employees must be vigilant when non-employees are attempting or gaining access to areas that are restricted to employees. In such events, management must be notified as quickly as possible. If necessary, law enforcement personnel may be called to assist.

On-duty employees shall wear the City-issued identification badge when:

- in the field or visiting a City facility other than his/her usual work place;
- required by the City Manager or when
- Homeland Security Threat Levels reach Orange (High Threat) or Red (Severe Threat).

Department directors may require employees to wear identification badges in the workplace or in other circumstances of official City business.

The identification badge shall include the employee's photograph, name department and badge expiration date.

Except as otherwise provided herein, the identification badge shall be worn on the front torso, between the waist and the neck, and shall be plainly visible at all times.

Where appropriate, department directors will develop and implement special protocols for employees engaged in specific activities involving equipment, tools, and/or machinery in which wearing of an identification badge constitutes a legitimate safety hazard. Protocols will address occasions when the employee is actually involved in such activities.

Similarly, Fire, Police and Sheriff's Departments will develop and maintain their own special protocols for public safety employees. Such protocols address employee identification on standard issue uniforms. Additionally, the protocols will address the need to protect undercover employees and the need to provide a means to identify public safety volunteers working on the City's behalf.

Lost or stolen badges must be replaced. There is no charge for the first replacement. Subsequent replacements are \$10.00 each. Replacement costs are the responsibility of the employee. Badges replaced due to breakage, malfunction, wear and tear, or a change of name or department are issued at no charge, provided the old badge is returned at the time of service.

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Identification badges are the property of the City of Fredericksburg and must be returned upon separation or upon request of the employee's supervisor/director.

Identification badges for all employee shall be similar in general appearance and may not be modified, altered or otherwise displayed in a way that detracts from its appearance as issued by the City.

Identification badges will be valid for up to three (3) years with an expiration date based on an employee's anniversary of employment.

Department directors are responsible for ensuring compliance with this policy.

Employees who are issued keys to the buildings, offices, etc., in which they work or to which their jobs require that they have access, must sign for such keys and return them in the event their jobs no longer require them to be in possession of such keys, or in the event of separation from the City's employ.

The Department of Parks and Recreation and Public Facilities maintains the records of such City issued keys.

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**10. TRAINING AND TRAVEL**



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**10. TRAINING**

**10.1. Training**

The City places a high value upon training and takes pride in offering to its citizens a highly trained workforce who are equipped to perform the tasks assigned to them. As technology and methodologies advance, the City desires to take advantage of these progressive developments, and provides job related training to its employees. The City also recognizes and encourages employees to seek training on their own time in the form of limited tuition reimbursement for job related courses in degreed programs.

10.1.1. Required Training. If a program, course or seminar provides required information directly related to the employee's current job assignment, or one which may be in the eventual succession planning for that employee, the City will bear the cost of the tuition and reasonable accommodation for the employee to travel to the site of the training.

10.1.2. Tuition Reimbursement for Courses Taken for Academic Credit. From time to time, employees wish to undertake for themselves a degreed program through a community college, university or accredited online university program. For those courses that the Department Head and the Director of Human Resources agree are job related, either to the employee's current assignment, or one deemed to be a logical next step in a succession plan for the employee, these courses may be reimbursed at 100% according to certain criteria:

- A. Course must be taken for credit; and
- B. Course must be demonstrably job related as mentioned above; and
- C. Grade received for the course must be a "C" or higher; and
- D. Funding for this course was in the appropriated departmental budget for this purpose; and
- E. Employee provides grade transcripts and receipts supporting the amount being requested.

10.1.3. Time Agreement. For every credit hour reimbursed by the City, the employee agrees not to resign his or her position for a period of thirty (30) days.

- A. In the event such a resignation does occur, the employee agrees, by accepting the reimbursement, to have a prorated amount of the reimbursement withheld from his/her final paycheck from the City as a penalty.

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- B. Such withholding will also occur if the employee receiving the reimbursement is subsequently dismissed for cause.
- C. Such withholding shall not occur if the employee receiving the reimbursement is separated from the City's employ by lay-off or Reduction in Force.

10.1.4. Use of Local Training Facilities. Whenever possible, the City encourages employees and department heads, supervisors, etc., who are seeking training opportunities for employees to utilize preferred training providers. The Human Resources Department shall update these providers, but some of them are:

- A. Germanna Community College's Local Government Academy;
- B. University of Mary Washington
- C. Virginia Institute of Government
- D. Virginia colleges and universities, including Germanna Community College
- E. World at Work (Accounting, Financial and Payroll specialties)
- F. American Management Association
- G. Society for Human Resource Management, IPMA-HR, or other profession-specific Associations or Societies
- H. Council on Education in Management
- I. Organizations providing specific, trade related training.

Unless the training is particularly on-point to a specific need, and there is no upcoming similar course being offered by the preferred providers, the City recommends that private agencies sending unsolicited flyers in bulk to City offices not be used.

10.1.5. In House Training. From time to time, video training will be conducted by members of the City staff in programs such as driver safety and defensive driving; diversity; sexual harassment prevention, rights and responsibilities; and other such regulatory matters. These courses will be mandatory and employee attendance records will be maintained in the Human Resources Department.

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**11. TRAVEL**

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**11. TRAVEL**

The City recognizes that there will be instances in which employees must travel to other locations for business related training, seminars, conferences, etc. Employees are expected to exercise good judgment when making travel arrangements and to keep expenses to a reasonable and minimal level.

**11.1. Reimbursement of Travel Expenses**

11.1.1. Amounts of expenses to be reimbursed shall not exceed the amounts set by this policy, which are:

- A. The total per day for food reimbursement is \$45 for full days of travel; for partial days travel, rates are:
  - a. Morning meal (generally from 6 am to 10 am) is \$7.50.
  - b. Mid-Day meal (generally from 11 am to 2 pm) is \$12.50.
  - c. Evening meal (generally from 5 pm to 9 pm) is \$25.00.
- B. Mileage is reimbursed at the IRS approved rate per mile for authorized travel, if personal vehicle is used. These rates are communicated by memorandum from the Human Resources Office whenever the IRS changes them, usually annually, but occasionally more frequently. Employees are encouraged to utilize City vehicles whenever possible, and to car pool if multiple City employees are going to the same event.
- C. Incidental expenses for demonstrably business related long distance calls.
- D. Requests for Reimbursement shall be made on the Expense Report (please see Forms Section at the End of this Policy) and shall be accompanied by receipts for each and every expense on the report.
  - a. Request for reimbursement of expenses shall be submitted within ten (10) business days of the conclusion of the trip.
  - b. Requests for Advances for business travel expenses must be made two (2) weeks prior to the initial travel date.
- E. Non-Business Related Expenses shall not be reimbursed. Examples are, but are not limited to:

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- a. Laundry / Valet services
- b. Alcohol consumed at meals or at other times
- c. In-Room Movies or Mini-Bar items
- d. Personal property that is lost or stolen
- e. Personal Travel Insurance Premiums
- f. Meal Expenses when said meal was to be provided by the host of the seminar, conference, etc., and a different provider was used by the Employee due to personal choice. Employees with special dietary needs shall make these known to the conference host so that they may be honored with the provided meal.
- g. Fines for traffic violations, parking tickets and costs related to the repair of the personal vehicle involved in accidents while on City travel. Employees on business travel are encouraged to utilize City vehicles whenever possible.

**11.1.2. Arrangements for Travel**

- A. Expenses are covered only for employees; employee will bear entire expenses for family members or other guests who may travel with the employee, including meals, lodging, etc.
- B. Lodging must be arranged in advance so that reimbursement will not be necessary. If advance arrangements are not possible, reimbursement will be for the single room rate, regardless of how many occupants are in the room. Additional costs for lodging of family members and/or guests must be billed separately, and are the complete responsibility of the employee.
- C. When arranging for lodging, employees shall inquire about government rates or other discounts for these accommodations.

**11.1.3. Falsification of travel expenses constitutes fraud and is grounds for disciplinary action, up to and including dismissal.**